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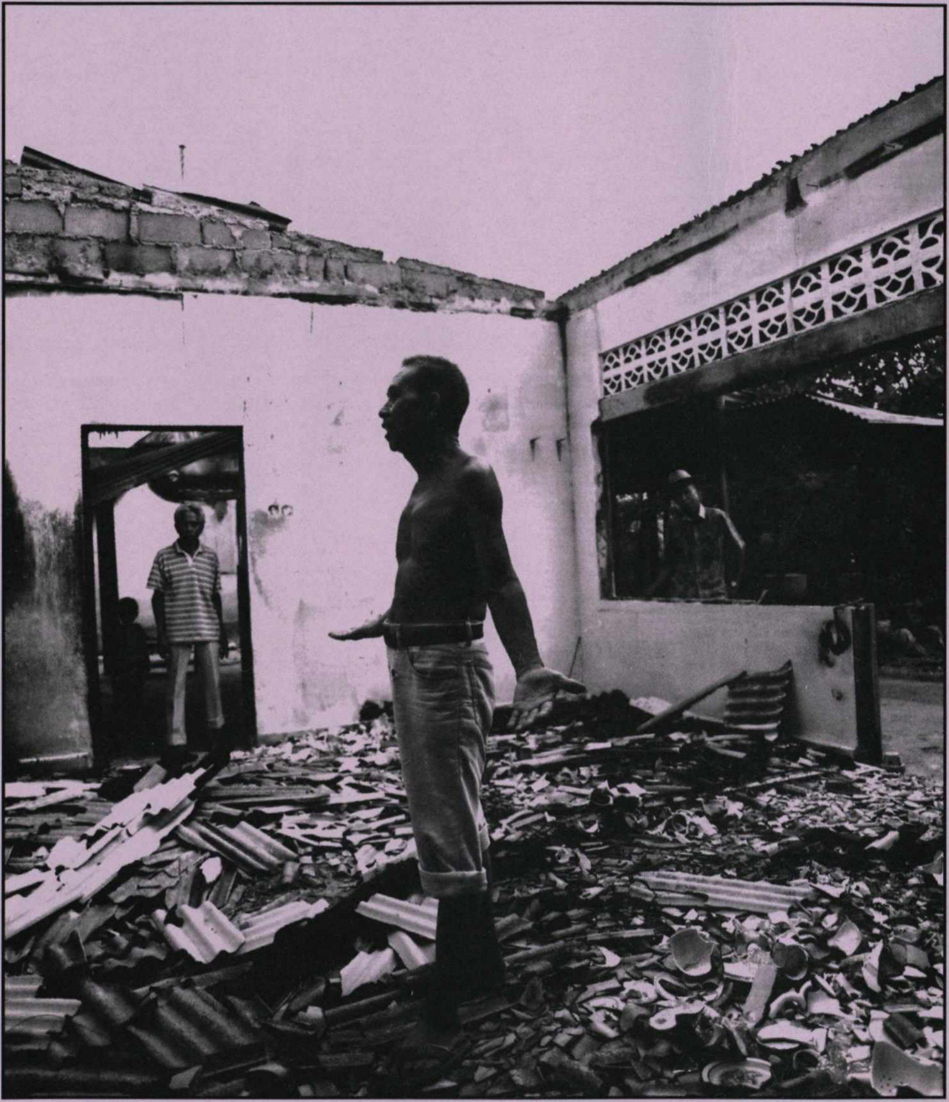
East Timor Human Rights Centre

East Timor: Building on Freedom...



...the Newest Nation Demands Justice!

Annual Report of Human Rights Violations in East Timor 1999

2000
March 1999 Ref: SR2/99

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East Timor: Building on Freedom...
...the Newest Nation Demands Justice!

Annual Report of Human Rights Violations in East Timor 1999

March 1999 Ref: SR2/99

By Michael Parsons
Valli Mendez and Elizabeth Exposto

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Front-cover and property destruction photographs by Ross Bird
Other photographs by Cancio Noronha Jr. & JRS

Warning: **Readers are warned that the photos contained in this report depict scenes of graphic human rights violations and may shock some people.**

Front-cover photograph:

Fernando Lai standing in the ruins of his house, which was destroyed by Indonesian backed militias, in September 1999, Dili, East Timor.

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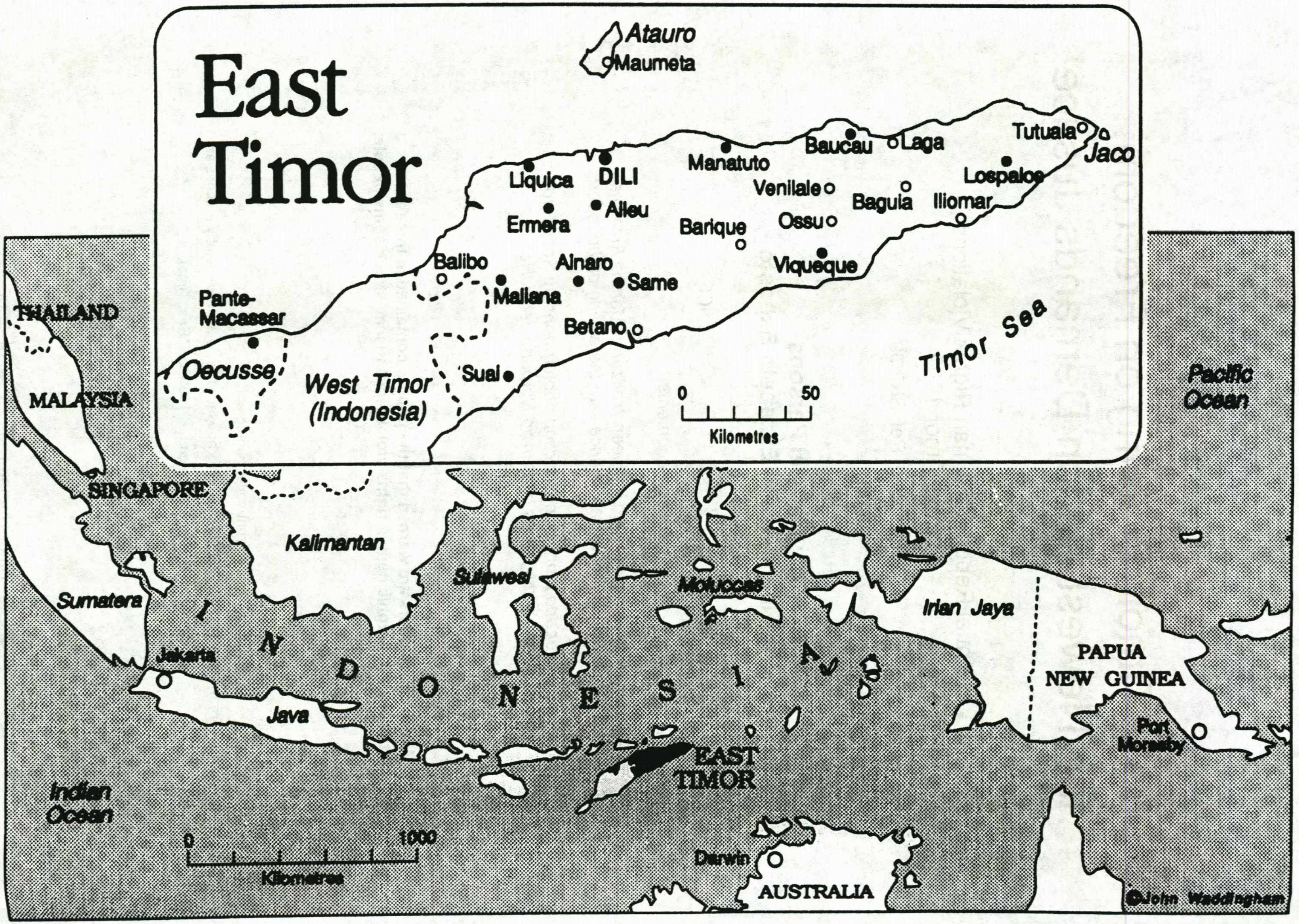
East Timor
Atauro
Maumeta
Tutuala
Jaco
Baucau
Laga
Manatuto
Lospalos
Liquica
DILI
Venilale
Baguia
Iliomar
Ermera
Aileu
Barique
Ossu
Balibo
Ainaro
Viqueque
Maliana
Same
Pante-Macassar
Betano
Timor Sea
Oecusse
West Timor (Indonesia)
Suai
0
50
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THAILAND
MALAYSIA
SINGAPORE
Kalimantan
Sulawesi
Moluccas
Irian Jaya
Pacific Ocean
Sumatera
INDONESIA
Jakarta
Java
PAPUA NEW GUINEA
Port Moresby
EAST TIMOR
Indian Ocean
0
1000
Kilometres
Darwin
AUSTRALIA
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Glossary of Terms

ABRI	Armed Forces of the Republic of Indonesia (in April 1999, police separated from the Indonesian Army Forces , TNI)
Aitarak	Thorn, Pro-Jakarta militia
ARMUI	Pro-integration militia
Besi Merah Putih (BMP)	Iron, Red and White, Pro-Jakarta militia
Brimob	Police Mobile Brigade (a heavily armed special unit)
BTT	Territorial Battalion
CNRT	National Council of Timorese Resistance
Dadurus Merah Putih	Pro-integration militia
Delfin Saka Besi	Pro-integration militia
Falintil	East Timorese National Liberation Army
Halilintar	Locally raised paramilitary unit
INTERFET	International Force East Timor
Kodim	Military District Command
Kopassus	Special Forces Command
Koramil	Military Subdistrict Command
Kostrad	Army Strategic Reserves Command
Laksuar Merah Putih	Pro-Jakarta militia
Mahadomi	Pro-integration militia
Mahidin	"Life or Death with Integration", civilian militia group
Mahiti	Pro-integration militia
Nagah Merah	Pro-integration militia
NCC	National Consultative Council
Polda	Police Area Command (police regional headquarters for East Timor)
Polres	Police District Command
Polsek	Police Sector Command
Rajawali	Indonesian army combat battalion
Sakunar	Scorpion, Pro-Jakarta militia
SGI	Intelligence Task Force
Tim Pancasila	Pro-Jakarta militia
Tim Alfa	Paramilitary unit
TNI	*Tentara Nasional Indonesia*, Indonesia National Army
UNAMET	United Nations Assistance Mission to East Timor
UNHCR	United Nations High Commissioner for Refugees
UNTAET	United Nations Transitional Administration in East Timor
UNTIM	University of East Timor
Yayasan HAK	Human Rights Institute (local NGO providing legal representation)
59/75 Junior	Pro-integration militia

ETHRC MISSION & METHODOLOGY

The East Timor Human Rights Centre (ETHRC) is an independent, non-political, international human rights centre established in 1995 in Melbourne, Australia, to meet the urgent need for the protection and promotion of the human rights of the East Timorese people.

The ETHRC aims to:

- protect and promote the human rights of the people of East Timor;
- develop a human rights culture, including democratic processes and participation, amongst East Timorese people, both inside and outside East Timor; and
- empower East Timorese people to promote and protect their human rights and incorporate human rights principles into their relationships and institutions at all levels.

Human rights are defined broadly to include the promotion and protection of civil, political, social, economic and cultural rights, as provided for in the Universal Declaration of Human Rights and other widely accepted international covenants.

The ETHRC fulfils its purposes through:

- collecting, collating and disseminating information about human rights abuses against East Timorese people in East Timor and Indonesia ;
- training and educating East Timorese people, both inside and outside East Timor; and
- conducting other activities including research, publishing reports and preparing submissions to governments and the United Nations.

Documentation forms the main core of the work at the ETHRC because of the serious human rights violations which have occurred in East Timor. The ETHRC documents all cases of human rights violations committed against East Timorese civilians, irrespective of whether the perpetrators are members of the Indonesian security forces and its agents or members of CNRT and its armed wing, Falintil (East Timorese National Liberation Army).

Previously, through its solid and reliable network on the ground in East Timor, the ETHRC received cases of human rights abuses almost on a daily basis. In September 1999, in the midst of the terror campaign unleashed in East Timor by the militia and Indonesian military who supported them, most of the offices of the local human rights organisations were destroyed and their staff persecuted. Since the entry of international forces into East Timor, some semblance of normality has returned to East Timor. In particular local human rights groups are now beginning to function again and the ETHRC is working in close co-operation with them. Also, the ETHRC has had staff working directly in East Timor collecting documentation for this report, and this activity will be further developed when an office is established in East Timor in the near future. Any human rights information received by the ETHRC is cross-checked and corroborated with other sources before being produced into several types of reports: Urgent Actions, United Nations Reports, Bi-Annual and Annual reports of human rights violations and general reports on particular violations.

Included in this report are testimonies based on actual interviews with victims of the latest wave of violence in East Timor who sought refuge at the UNAMET compound in Dili and were subsequently evacuated to Australia. The refugees were placed at three different Safe Havens around Australia. However, testimonies were only taken from refugees in Puckapunyal Barracks in Victoria and Leeuwin Barracks in Western Australia. Because they are personal testimonies, we have tried to keep them in the voice of the interviewee, however, where the literal translation was hard to decipher, we took the liberty to make the testimonies more readable.

All interviewees were assured confidentiality and therefore their names are not disclosed. Some of the cases are personal testimonies of violations which were perpetrated against the interviewees and other cases are eyewitness accounts in which as much detail of the case is disclosed for further investigation by the United Nations. The testimonies appear in a separate section of the report so that a sense of continuity remains. The full report, ***The Right to be Heard: Documenting Human Rights Violations for Justice,*** was submitted to the United Nations International Inquiry in December 1999 and is now available for public information.

Other 1999 cases of violations not previously reported have also been included in the body of the annual report.

All ETHRC reports are given full international distribution, including to UN agencies, international NGOs, solidarity groups and individual activists, key media contacts, Foreign Ministries and the general public through the World Wide Web.

Through its documentation and lobbying activities, the ETHRC raises international awareness of the human rights violations committed against East Timorese civilians.

The ETHRC believes that ultimately international awareness is one of the most effective safeguards of human rights.

Ana Noronha
Executive Director

EXECUTIVE SUMMARY

"There is overwhelming evidence that East Timor has seen a deliberate, vicious and systematic campaign of gross violations of human rights. To end the century and the millennium tolerating impunity for those guilty of these shocking violations would be a betrayal of everything the United Nations stands for regarding the universal promotion and protection of human rights."

Mary Robinson, UN High Commissioner for Human Rights. 17 September 1999

The latter half of 1999 will be remembered for 30 August, the day when the people of East Timor courageously exercised for the first time their fundamental human right to self-determination. What will be equally remembered is how cruelly this cry for freedom was instantly stifled by actions of the Indonesian military, and how the international community responded.

The report of the ETHRC for the first half of this year confirmed the role of the military in recruiting and training militia units, but it was only after the ballot had been conducted that the scale of the Indonesian military's organisation and planning for the devastation of East Timor was revealed. It is clear that the destruction of 70% of the country's infrastructure and forcible removal of a quarter of its population was a logistical exercise of massive proportions. It required the most detailed forward planning and coordination at the highest levels to secure the vast resources of land, sea and air transport, ordnance, fuel, and communications. It also included the development of a large network of military-controlled concentration camps throughout West Timor and neighbouring islands of eastern Indonesia.

The belated arrival of INTERFET forces in mid-September only enabled the international community to see all the more clearly the direct and active involvement of the Indonesian armed forces in orchestrating September's post-ballot violence. The Indonesian military's first response to worldwide calls for the immediate deployment of UN peace-keepers was to contrive the imposition of martial law. This decision, augmenting the existing force of over 20,000 combat troops by several extra thousand, only resulted in an upsurge in the magnitude of the slaughter, destruction and displacement of the population. It was all too blatantly part of the post-ballot strategy to negate the whole effect of the vote for independence in delivering a functional independent nation. Instead, the land of East Timor would be left in ashes, with its population killed or held hostage across the border.

To many in newly democratic Indonesia, it appeared to be a cynical object lesson for restless provinces of Indonesia as well as restless sections of the newly-elected parliament who wished to curb the role of the military in politics and business. Under the current civilian regime the hostage crisis in West Timor remains, due to the Government's refusal to disarm and disperse their captors, the TNI militias. Over half of those originally forcibly removed to West Timor and nearby islands continue to be detained in concentration camps or hidden by relatives and friends. Young children, women, and the elderly are over-represented in the camps. Due to militia violence and intimidation they are unable to return home, continue to die from a lack of food and medicine, and are denied access to UNHCR and humanitarian relief agencies. Increased international pressure is still required to compel the Indonesian Government to urgently resolve this crisis.

An International Crimes Tribunal for East Timor is proving to be one of the key pressure-points. Indonesia has sought to pre-empt the creation of such a body through establishing its own special Commission of Inquiry, but with extremely limited terms of reference. The Commission has surprised its critics in diligently uncovering evidence and pursuing implicated senior TNI staff, and there is a need to ensure that its investigations, particularly the collection and preservation of forensic and other evidence, continues unimpeded. Its findings and evidence needs to be made available to an International Crimes Tribunal, which is still required in order to ensure that indicted war criminals do not escape being brought to justice through being granted immunity from prosecution or use of safe havens. The International Crimes Tribunal requires broad terms of reference enabling it to examine all war crimes committed in East Timor since the Indonesian invasion in 1975.

A. INTRODUCTION

The polling day of 30 August is significant not simply as a turning point. The almost magical lull in the terror sweeping the country was inexplicable to those arguing that the relentless violence of the past six months was a series of random, ad hoc acts by 'hoodlums' or 'rogue elements', unable to be controlled by security forces. That the violence could suddenly be switched off, and just as instantaneously switched back on again following the announcement of the ballot result on 4 September, allowed for only one explanation. The human rights violations being experienced in East Timor in 1999 were part of a planned, systematic and orchestrated military campaign.

This section examines the factors underlying human rights violations in East Timor by the Indonesian State security apparatus in the second half of 1999. This period may be divided into three phases:

Pre-ballot phase - prior to 30 August, the security forces sought to undermine a successful holding of the ballot through creating a climate of terror, violence and intimidation;

Post-ballot phase - after the failure of this objective, the strategy involved assassination, forcible removal and infrastructure devastation aimed at overturning the ballot result, or at least, undermining its successful implementation;

INTERFET Phase - the third phase began with the arrival of INTERFET forces.

1. Pre-Ballot Phase

The strategy adopted by TNI and its militias in this phase was to instil widespread terror amongst the civilian population through acts and threats of violence aimed to create a climate of insecurity non-conducive to the holding of the ballot. The immediate objective appeared to be to undermine the voter registration process by:

a) generating large numbers of internally displaced people (IDPs) unable to access appropriate identification or registration facilities;

b) intimidating potential voters from attending registration centres;

c) setting up roadblocks to quarantine areas from contact with UN and international agencies.

In many cases, IDPs were created by TNI and militia attacking villages, forcing residents to flee, and then razing whole villages to the ground so that they could not return. By the end of July, IDPs in East Timor were estimated at 50,000.[1] By disrupting civil society as well as the voter registration process, and encouraging an atmosphere of fear and tension this strategy appeared likely to delay the scheduling of the ballot itself in order to have it postponed indefinitely, or put aside by the newly-elected Indonesian Parliament or a newly-elected Indonesian President.

Due to this violence, voter registration was delayed for two days inside East Timor from 4 to 6 August, and the polling date from 8 August to 21 or 22 August. On 30 July, UN Secretary-General Kofi Annan postponed the ballot once again to 30 August 'citing security and logistic concerns' (AFP 30 July). The campaign period from 14 to 27 August saw the armed forces and their militia intensify attacks on CNRT offices and CNRT rallies. However, by the 30 August, it would appear that the Indonesian military had felt that it had done enough to quell or mute any overwhelming show of pro-independence sentiments at the ballot box. Undeterred, 98.6% of those registered cast their vote, with the majority rejecting autonomy by 78.5% to 21.5%.

2. Post-ballot Phase

Blatantly defying the result of the ballot announced on 4 September, Indonesian military, militia and police began openly implementing a scorched earth policy. Three days after the ballot result, East Timor was put under martial law. Polri's sole security responsibility under the 5 May Agreement was now, officially as well as effectively, void. TNI troop numbers increased substantially to a figure between 20,000 to 25,000.[2]

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[1] *Back to the Beginning: Report of an Australian Council for Overseas Aid (ACFOA) Delegation to East Timor*, p5-12, June 1999

Fuelled by intensive eyewitness media reports and unprecedented efforts by citizens in solidarity worldwide, international pressure was brought to bear on the Indonesian Cabinet, which agreed, on 12 September, to accept deployment of a UN peacekeeping force. However, in the fortnight between the ballot announcement on 4 September, and INTERFET's arrival on 20 September, virtually all of East Timor's infrastructure had been destroyed, and its population displaced; hiding in the mountains of East Timor, held hostage in West Timor and other islands, or missing, feared dead. The final death toll remains unconfirmed.

The post-ballot response by the Indonesian armed forces involved the following human rights violations:

Destruction and Ransacking of Property

The World Bank assessed that around 70% of East Timor's infrastructure had been destroyed, particularly in Dili and other major towns. Overall the method followed was uniform, with first the looting of all goods, fittings and fixtures, followed by the liberal dousing of the empty ransacked interiors with petrol which was then set alight and left to burn itself out. There appeared to be no shortage of petrol with which to carry out this task. Occupants were frequently forced at gun-point by TNI or militia to burn down their own homes. This report includes ETHRC's photographic documentation of property destruction.

Mass Deportation

By 20 September the number of East Timorese deported to West Timor and outlying islands of Indonesia was over 200,000.[3] Vehicles crossing the border had to check in with an Indonesian army post; planeloads of refugees arriving in Kupang were met by TNI soldiers; militia members accompanied virtually all those transported to West Timor and continued to live nearby or with the families they had expelled; and trucks transporting the refugees were either provided by district military command or commandeered by the militia from the families they were expelling.'[4]

Forced evacuation of UN, foreign observers, and Timorese leadership

UNAMET staff were pulled out as TNI and Polri fired upon UN vehicles and helicopters. Total withdrawal was only thwarted by international staff's refusal to leave behind 2,000 refugees in their care. TNI attacks then extended to the offices of the ICRC and Bishop Belo's house. Hundreds of refugees in the Bishop's residence were killed or abducted. International staff of the ICRC and the Carter Centre and IFET International observers were herded at gunpoint by TNI onto trucks and deported to West Timor. International journalists evacuated after TNI's orchestrated attacks on hotels, the Australian Consulate and finally the UN compound adjacent to the UNAMET headquarters. Rebuffing the appearance of chaotic violence was the careful avoidance of any killing of international observers or foreign UN personnel; a fact highlighted by the exceptional non-fatal shooting of an American UNAMET Police Officer by a TNI soldier at Liquica.

Persecution of independence supporters

Clergy who had been active in sheltering pro-independence supporters and their families were targeted. According to an eyewitness 3,000 IDPs[5] who had taken refuge in Suai Church were attacked, and hundreds were shot or hacked to death, including three priests. Both East Timorese Bishops, Nobel Laureate Carlos Belo, Bishop of Dili, and Basilio do Nascimento, Bishop of Baucau, suffered attacks on their residences and were forced to flee. In West

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[2] Los Angeles Times, 8 September 1999; see also Tapol, Media Release, 15 September 1999.

[3] Report of High Commissioner for Human Rights on the human rights situation in East Timor, 17 September 1999.

[4] *Indonesia/East Timor: Forced Expulsions to West Timor and the Refugee Crisis* Human Rights Watch, December 1999.

[5] Australian Broadcasting Corp., 8 September 1999.

Timor, milita summarily killed or seized and took away independence supporters in refugee camps. CNRT members, students and their families across Indonesia were subject to a systematic harassment and terror campaign by Indonesian authorities.

Elimination of physical evidence

A coordinated and concerted attempt was made by the Indonesian armed forces to eliminate all physical evidence of their atrocities in East Timor. Witnesses reported seeing bodies thrown into drainage ditches, stuffed down wells, soaked in petrol and burned, or transported to West Timor and buried in unmarked graves. Currently, mass graves continue to be uncovered inside East and West Timor and bodies have been found washed up on the coast. Major-General Cosgrove heard that bodies were washing up near Batugade near the West Timor border and in the same area an AFP reporter saw a body floating offshore.[6]

3. INTERFET Phase

The majority of East Timorese humans rights violations in this phase, from 20 September to the end of the period under review, occurred in West Timor and other parts of Indonesia. For the main, they were a continuation of the abuses already reported above. However, the most serious abuse related to the steadfast refusal of the Indonesian Government to take action to disarm militias running the West Timorese concentration camps, and allow UN free access to camp residents and their free repatriation to East Timor.[7]

By the time INTERFET forces arrived and established a security presence throughout East Timor, militia forces had fled to West Timor where they held a quarter of East Timor population hostage. The remainder escaped under the protective cover of TNI's staged withdrawal. By late October, at least 265,933 East Timorese (or 53,793 families) remained in West Timor, despite all UN efforts to have them repatriated.[8] By the end of the year, only approximately a half of those abducted to West Timor had been repatriated.

Those who remained faced terror, malnourishment and maltreatment. Young women and children were most at risk of violence. From a visit to half a dozen camps, KOMNAS PAR suspected at least forty children to have been sold as slaves to Jakarta's burgeoning child sex trade.[9] The following month UN Special Rapporteur on Violence against Women, Radhika Coomaraswamy, declared that 'sexual slavery' and 'rape was being used as a political weapon against East Timor women living in refugee camps in West Timor'. At the same time Indonesia's National Commission on Human Rights (KOMNAS HAM) reported that about 21 militia groups in West Timor had committed 'systematic and organized human rights violations,' citing forced disappearances, arbitrary detention and violence against women'.[10]

4. Analysis of the Post-Ballot Violence

The Question of Prior Planning

Was the post-ballot strategy planned well in advance, and if so when? Many analysts are convinced that the infrastructure devastation and mass deportations were well planned, based on deductions from logistical requirements. These arguments are compelling. Firstly there are the substantial number of land, air and naval ship transports, all ready and available to forcibly remove over a quarter of a million people out of the country in just two weeks. Such trucks were normally scarce in East Timor, and fuel even more so. But there was no shortage of fuel for such operations, and for the systematic arson attack against whole cities and towns. Similarly,

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[6] *AFP*, 14 October 1999.

[7] *UNHCR*, 1 November 1999

[8] According to Department of Health Regional Offices (Kanwil Depkes). The National Commission for the Protection of Children (KOMNAS-PA) believes that figures were higher. (*Suara Pembaruan, Kompas*, 19 October 1999.)

[9] *Suara Pembaruan, Kompas* 19 October 1999.

[10] *AFP*, 6 November 1999.

UN military liaison officers observe that during the siege of the UNAMET Dili compound the militias had an endless supply of military weapons and ammunition.

Such deductions are backed up by documentary evidence. In July the Minister of Transmigration and Resettlement of Forest Nomads, Hendro Priyono, admitted that 'The government has made certain preparations to accommodate a possible exodus from East Timor on the heels of the UN-administered direct ballot in August. In addition, the *Sydney Morning Herald* published a document, the 'Garnadi Document', recommending the massacre of independence supporters, systematic destruction of infrastructure and mass deportation of East Timorese if autonomy was rejected. It was signed by Assistant Coordinating Minister, H.F. Garnadi, and addressed to the Coordinating Minister for Politics and Security, General Feisal Tandjung. Garnadi was a member of the Politics and Security Team within the Government's task force in East Timor.[11] International KPP HAM Chairman Albert Hasibuan, who attended the interrogation of Tanjung, said he believes the document is authentic.[12]

Both East Timorese militia and civilian official have confirmed meetings between Indonesian civilian police, military officials and civilian leaders where instructions were given to attack UNAMET offices, burn towns, and drive the population into West Timor[13], as well as attack Dili, and assassinate Catholic priests and clergy.[14]

The ETHRC believes that the plans for the destruction and depopulation of East Timor were carried out by the Indonesian military under orders from high-ranking military leaders. Mary Robinson, the UN High Commissioner for Human Rights referred to 'the well-planned and systematic policy of killings, displacement, destruction of property and intimidation'[15] and called on Indonesian security forces and pro-Indonesian militias to end immediately 'their deliberate policy of terror and displacement. There is very clear evidence of collusion between elements of the security forces and the militias to deport East Timorese forcibly to West Timor and elsewhere,' she said.[16]

International Response

In addition to the question of prior planning, there is the question of whether the international community could have intervened more effectively to prevent some or all of the post-ballot violence.

An armed UN-authorised peace-enforcement mission required UN Security Council approval, which was unable to be secured earlier without prior Indonesian Government agreement due to the opposition of Council members China, Bahrain and Malaysia. Pressure might have been brought to bear on Indonesia to give such an earlier approval by the United States exerting its influence, particularly through the IMF and World Bank. There is evidence that there was a crucial lack of interest in this option by the United States, but it remains unclear whether this was in response to an Australian position that accepted General Wiranto's personal assurances to Prime Minister Howard that there was no need to deploy armed peace-keepers. The alternative was to deploy at the outset, a much larger contingent of armed UN military liaison and Civpol officers. The Australian Government, however, ruled out this option, despite advice from the Defence Department, and the DIO warning the Government of Indonesian military intentions.

Another path open to the UN to halt the violence was to initiate war crimes proceedings. The UN Secretary-General flagged this option on 10 September, in response to the forced evacuation of most of the staff of the besieged United Nations compound on, and threats by men with hand grenades to kill all those remaining. The UN Secretary-General pressed for an investigation by the UN's Commission for Human Rights (UNCHR).[17] It is not unreasonable to assume that the growing threat of being indicted as an International War Criminal may have helped prompt General Wiranto's acceptance of the need for 'an accelerated' deployment of UN peacekeepers.

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[11] *Jakarta Post,* 24 July 1999.

[12] *Indonesian Observer*, 14 January 2000.

[13] *Carter Center Weekly Report On East Timor* No. 9, 13 September 1999.

[14] *Expresso*, Lisbon, 11 September 1999.

[15] *Sydney Morning Herald*, 14 September 1999.

[16] *Financial Times*, 7 September 1999.

Unfortunately, pressure in this area was not sufficiently maintained to deflect implementation of the 'scorched earth' strategy. At a special session on 29 September 1999, the UNCHR resolved to set up an international commission of inquiry into human rights abuses in East Timor during the run-up to and following the UN-supervised ballot. But no members of the Commission of Inquiry could begin work in East Timor until this resolution was ratified by ECOSOC, the UNCHR's parent body. This was not forthcoming until 15 November. President B.J Habibie, therefore, had adequate time to enact 'a presidential decree in lieu of law for the formation of a human rights court' and instructed the National Commission for Human Rights (Komnas HAM) to establish a Commission to Investigate Violations of Human Rights in East Timor (KPP-HAM) with a similar mandate to that of the UN inquiry.

More importantly, the delay saw further deterioration in forensic evidence with the onset of the wet season, which also hampered access to remote sites. Such problems could have been lessened with the inclusion of forensic experts in the INTERFET contingent. For two months the Australian INTERFET commander and Australian Civpol officers in East Timor continually pleaded for such experts to be urgently sent to East Timor but the Australian Government refused these requests.

5. Where to Now?

While Komnas HAM has made some inroads in its linking the post-ballot violence directly to the TNI chain of command, Indonesia appears to be using these successes as a basis for lobbying the UN to drop its sanctioning of a formal International Crimes Tribunal. The ETHRC believes that given the continuing military role in Indonesian politics and in the destabilising so-called 'religious' violence in Eastern Indonesia, only an independent international UN-sanctioned tribunal can be expected to provide any reasonable measure of justice to the East Timorese people.

In relation to East Timorese abducted to West Timor and other islands of Indonesia, Human Rights Watch reports that 'as more refugees return to East Timor, conditions for those who remain in some ways have grown worse: the armed militias who control many of the camps and settlements appear to have become more desperate, their position and prestige weakened with each additional departure.'[18] The ETHRC believes the situation of these hostages is an urgent human rights concern.

One disturbing gap in the current initiatives to achieve justice in transitional East Timor is the marginalisation of East Timorese human rights organizations in East Timor itself. In a situation echoing complaints voiced by CNRT in relation to emergency relief provision, they appear to have an inadequate ownership of the process, which remains captured and externally-driven by the UN and powerful international NGOs on one side and Komnas HAM on the other. In this debate the resource-poor East Timorese NGOs are subsumed as part of the victimised mass, for whom justice is done, but who are unable to actively achieve such justice. They remain those who are to be occasionally called upon to act as local informants, interpreters, research assistants and guides subordinated to others' wider agendas. There is a need for East Timorese human rights groups to be afforded a place as equals at the front of the table of the prosecution, and to be adequately resourced to achieve a measure of justice they are most qualified to define as acceptable.

Similarly, inside transitional East Timor, there is an everyday struggle to have human rights emerge as a cornerstone of the foundation for the new civil society. While UN, CNRT, Church and NGOs all agree on the principle, it is the translation of good intentions into affirmative action that is difficult. In the transitional period, this is particularly so in relation to who does and does not get adequate access to emergency relief, public sector employment opportunities, trauma counselling services, and so on.

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[17] *The New York Times*, 11 September 1999.

[18] *Indonesia/East Timor: Forced Expulsions to West Timor and the Refugee Crisis* Human Rights Watch, December 1999.

Ultimately the challenge for the whole society in upholding human rights in a future independent East Timor will be to surmount an overly legal and administrative approach driven by a top-down policy of legislation and enforcement. The alternative is to proceed to develop a pro-active approach, which integrates human rights with development planning at the community, regional and national levels. This will seek to ensure equality of opportunity and access while protecting the most vulnerable, and prevent the growth of a culture of collusion, corruption and nepotism. It will require incorporation of human rights modules in governance training programs, empowerment of East Timorese in open governance at all levels and increased transparency in decision-making by all State, Parastatal and Non-Government agencies.

B. RECOMMENDATIONS

To ensure that human rights are respected in the new nation of East Timor, the ETHRC makes the following recommendations:

1. Indonesian Government

1. Act to allow all East Timorese forcibly removed to concentration camps in West Timor and near islands to come under the full authority, protection and care of the United Nations and its authorised humanitarian agencies.

2. Enable all forcibly removed East Timorese sheltering outside officially registered camps in West Timor and near islands to be placed under the full authority protection and care of the UN and its authorised humanitarian agencies.

3.
4. Guarantee and facilitate safe passage to all forcibly removed East Timorese refugees who have made a fully free, informed choice to return to East Timor.

5. Halt all State-sponsored violence against East Timorese held hostage in concentration camps or sheltering elsewhere in West Timor and near islands.

6. Ensure the safety of all individuals and groups providing sanctuary to forcibly removed East Timorese in West Timor and near islands.

7. Disarm and withdraw all civilian militia in concentration camps and arrest and prosecute all militia caught intimidating, harassing, or physically attacking, or impeding the return of refugees.

8. Fully support all moves in the United Nations for the establishment of an independent International Crimes Tribunal for East Timor with authority to prosecute all war crimes committed since the invasion of the country in 1975.

9. Take all necessary steps to uncover, preserve and protect forensic evidence of war crimes committed in East Timor for handing over to an International Crimes Tribunal.

10. Recognise and enforce the jurisdiction of the International Crimes Tribunal, in being able to try and prosecute all Indonesian citizens without exception for alleged war crimes in East Timor, and enforce all warrants and subpoenas issued for Indonesian citizens and Government documentation.

11. Act to have Komnas HAM cooperate fully with the International Crimes Tribunal in relation to provision of evidence and any other matter pursuant to successful prosecution of war crimes in East Timor.

12. Agree to pay reparations and compensation to East Timorese for losses incurred since the invasion of the country in 1975

2. National Consultative Council

1. UNTAET and CNRT to implement a policy of integrating human rights with development planning at the local, regional and national levels that ensures equality of opportunity and access while protecting the most vulnerable, and prevents the growth of a culture of collusion, corruption and nepotism.

2. Incorporate human rights modules in all governance training programmes to empower East Timorese to develop open government at all levels.

3. Ensure human rights underpins decision-making in the delivery of emergency relief and other services by all State, Parastatal and Non-Government agencies.

3. International Community

1. UNTAET and war crimes investigators to be better resourced to speedily uncover and secure all forensic evidence of war crimes in East Timor.

2. UN member states to agree to the establishment of an International Crimes Tribunal covering all war crimes committed in East Timor since the invasion in 1975.

3. UN to assist East Timorese human rights organisations to play a central role in the conduct of investigations and UN member states pressure Indonesia to allow for prosecution of all senior military and former military staff responsible for all war crimes perpetrated against the East Timorese people since the invasion in1975.

4. UN member states to press Indonesia to allow Komnas HAM to proceed unimpeded in its present inquiry and grant no immunity from prosecution to any Indonesian citizen.

5. UN member states to press Indonesia to extend Komnas HAM's mandate to cover all war crimes committed in East Timor since 1975.

6. UN member states to release to the International Crimes Tribunal all intelligence information in their possession relating to war crimes committed in East Timor since the invasion in 1975 that could lead to the prosecution of war criminal

C. HUMAN RIGHTS VIOLATIONS

Violations of Human Rights: 1999

	Jan to June	July to Dec	Total for 1999
Violations of Right to Life			
Extrajudicial Execution	215	1634	1849
Attempted Extrajudicial Execution	149	45	194
Violations of Right to Individual Liberty			
Arbitrary Detention	201	97	298
Enforced Disappearances	67	2032	2099
Violations of Right to Integrity & Security of Person			
Torture (& Other Inhuman Treatment)	220	44	264
Rape (includes Attempted Rape & Sexual Abuse)	17	44	61
Property Destruction & Persecution	112	379	491

1. Violations of Right to Life

During the first six months of 1999, the ETHRC reported 215 extra-judicial executions and 149 attempted extra-judicial executions. Since the violence intensified following the announcement of the ballot result in early September, the ETHRC believes the figure of killings and attempted killings increased alarmingly.

Since August 1999, the ETHRC has reported approximately 1634 extra-judicial executions and 45 attempted extra-judicial executions. The ETHRC believes the real figures to be much higher as the reported figures do not take into account undocumented cases or new reports of further bodies and mass graves being discovered. There are still thousands of people unaccounted for and unconfirmed reports of mass executions which still need to be verified. Reports of hundreds of bodies dumped into the sea also require thorough investigation by independent international human rights groups.

According to information provided by INTERFET and the UN civilian police, reports of extra-judicial killings up to 10 November had reached a total of 1,093. In a report by the Special Rapporteur of Extra-judicial, summary or arbitrary executions, Ms. Jahangir, who visited East Timor from 4 to 10 November, there was an average of eight bodies being discovered every day. At the time of her report (10 December), 104 bodies had been discovered and 17 additional bodies and 28 gravesites had been reported.

Many of the victims of the latest wave of killings were pro-independence supporters and their families who were deliberately hunted down and killed by pro-Jakarta militia groups and the Indonesian security forces. Below are a few examples of such cases.

1.1 Extrajudicial Executions

Case 1.1.1

On 30 January, **Valenti** (no surname), 30, from Maubaralisa village, Liquica, was arrested, tortured then killed by MAHITI militia.

Case 1.1.2

On March 17, **Mariano Soares**, 25, of Triloka village, Baucau, was arrested at Kampung Baru Uai-Be-Ana at the other side of 745 headquarters, Fatumaka. The victim is believed to have been killed by ABRI.

Case 1.1.3

On 26 March, **Nazarito Xavier**, 25, a farmer from Bahamori hamlet, Gariwai village, Baucau district was shot to death by ABRI under the command of KODIM, Baucau.

Case 1.1.4

Narcisio de Jesus, 25, of Bahu village, Baucau, was killed during an incident which took place in Liquica between 5-6 April. He was killed by Besi Merah Putih militia who attacked the church in Liquica.

Case 1.1.5

On 6th of April 1999 **Agostinho Santos** was killed during an attack by the militias and the Indonesian military which took place at the Liquica church. At 1am in the morning Indonesian police, militias and military covered their faces and started throwing stones at the church. The militias were waiting with machetes and knives while the military threw tear gas into the church so the people would come out. A lot of people died on this day. Children, women, old people and men died of machete and knife wounds and wounds from shots.

Open gravesite revealing the fragments of bone and hair of a victim of the Liquica massacre, April 1999.

Case 1.1.6

At least 72 bodies were found in an old well at the residence of Manuel Carascalao. The bodies were taken away by INTERFET. On 17 April the same residence where many people from Liquica, Same and Ainaro took refuge was attacked by TNI and Aitarak militia whose leader was Eurico Guterres. During this attack Manuelito Carascalao and others were killed.[19]

Case 1.1.7

Virgilio de Sousa, 43, Somoso hamlet, Bauro village, Lospalos, was shot dead on 17 April in his house by Team Alpa (located in Lospalos) using SKS guns. The victim had been discussing issues about broad autonomy and independence.

Case 1.1.8

On 20 April 1999 at 9.00am, **Alexandrino Nabero,** was shot dead on a road from Hatolia to Caicoli, near the Klaola river by unidentified militia members. His body was found 100 metres away from the road with his right ear cut off. The victim had sustained several bullet wounds to the chest and stomach. The ETHRC had earlier reported the death of Alexandrino's father, Jose Barros, who was killed around the same time as his son.[20]

Case 1.1.9

Two unidentified students (UNTIM) from Zumulai, Covalima, and CNRT leader, **Ignacio** (no surname), were killed by Mahidi and Laksaur militia in April. One of the students was buried in Lomea River, Zumulai. The bodies of the other student and the CNRT leader were brought to Dilu Kede graveyard. In this place 50 decomposing bodies were found. Half of them were eaten by wild animals and the other half were washed up in the Belulik River. The perpetrators have been identified as Jaime Lopes, Marcelo Gomes, Felix Araujo, Sancho Soares, Rojito Lopes and Duarte Araujo.

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[19] East Timor Human Rights Centre, *"Human Rights in East Timor: Indonesia Defies UN & the International Community", Bi-Annual Report of Human Rights violations in East Timor January to June 1999*, ETHRC Ref. SR1/99, p.18

[20] East Timor Human Rights Centre, *"Human Rights in East Timor: Indonesia Defies UN & the International Community", Bi-Annual Report of Human Rights violations in East Timor January to June 1999*, ETHRC Ref. SR1/99, p. 20

Case 1.1.10

Domingos Soares Aparicio, 34, of Afaloicai hamlet, Viqueque sub-district was arrested on 3 May by Kopassus (Nangala) and militia 59/75 Junior in Viqueque. The victim was killed by the group who arrested him at Beobe village, Viqueque city sub district.

Case 1.1.11

Evaristo Lopes, 25, of Rasa hamlet Lospalos, was arrested on 21 April by members of Kopassus (Nangala) and Team Alpa. At the time the victim was on his way home from the TELEKOM office. It is believed the victim has since died.

Case 1.1.12

On 4 May, **Mateus Soares Monis B**., 27, of Sagadate village, Laga sub- district, Baucau District, was arrested by Kopassus (Nangala) at 2pm. He was killed on the same day in Viqueque.

Case 1.1.13

Lamberto da Costa and **Dua Belas** were arrested on 5 June by a joint team of ABRI and BMP militia. They were brought to the ABRI post where they were tortured and then shot dead. On the same day, the perpetrators killed 11 people. The perpetrators have been identified as Sebastiao and Guilherme.

Case 1.1.14

On 8 June, **Eduardo Pereira**, 50, from Liquica district, was taken from his home after he and his wife returned from Mass. He was taken to another location a few meters from his home and was shot by militia who claimed Eduardo was helping Falintil. The perpetrators were identified as Julio Alves from Ulmera village, Faustino Kepala, from Ulmera village, Orasi (no surname) and Manlico (no surname) both members of Besi Merah Putih.

Case 1.1.15

On 11 August 1999, two East Timorese young men were killed in a shooting attack on students in the town of Viqueque, East Timor. **Carlos Sarmento** and **Mario Gusmao** were killed by pro-Indonesian 59/75 Junior Militia members who attacked a student poll information centre. ETHRC sources also confirmed that **Ferlino da Costa** and **Duarte Fatima** sustained serious injuries during the attack.[21] The ETHRC has since confirmed that Duarte left Dili for Metinaro between 28-29 August but was attacked by Aitarak militia in Hera. An eyewitness confirmed that although Duarte's body was very decomposed, he was identified by his clothing and other identification. The eyewitness was not able to confirm exactly how he died.

The ETHRC has identified some of the perpetrators for these recent human rights violations in Viqueque:

1. Andreas (no surname), member of KODIM Viqueque, responsible for shooting Duarte Fatima
2. Manuel Belo, member of KODIM Viqueque
3. Joaquim (no surname), member of KODIM Viqueque
4. Raimundo da Silva, member of KODIM Viqueque
5. Gabriel (no surname), member of KODIM Viqueque
6. Mantus Tandin, member of KODIM Viqueque
7. Yusuf Tandin, member of KODIM Viqueque
8. Hermenegildo (no surname), member of POLRES Viqueque
9. Feliciano da Costa, member of KODIM Viqueque
10. Filomeno (no surname), member of militia "Naga Merah" Senior 59/Junior 75
11. Inacio (no surname), member of militia "Naga Merah" Senior 59/Junior 75
12. Duarte (no surname), member of militia "Naga Merah" Senior 59/Junior 75

Case 1.1.16

On August 16 three unidentified East Timorese are believed to have been killed by militia in Maliana.

Case 1.1.17

On August 16, a number of people were killed at

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[21] ETHRC UA8/99

Suai soccer field. The perpetrator, Olivio Moruk, Commander of Militia Laksaur, claimed only 53 people were killed. CNRT sources contradict this claim saying the figure was as high as 433, out of which 25 people were from Suai city, while the other 408 were from Zumalai sub-district.

Case 1.1.18

Between 21 and 22 August an unidentified body of a student was found on the outskirts of Maliana. According to a student group, the dead student had been captured and tortured by militiamen on Wednesday 18, August. Further confirmation is being sought.

Case 1.1.19

The dead body of **Agusto dos Santos Martins** (or **Agusto Martins**), aged 20, from the Holsa village, was found on Saturday 21 August. An autopsy conducted by a UNAMET physician revealed that Agusto had been tortured prior to his death. His captors had cut off his left hand and four fingers from his right hand. He sustained fractures to the forehead and jaw and his throat had been slashed. Manuel Magalhaes, a local figure in Maliana, said that Agusto and the eight others were tortured by militiamen while on their way from Hose to Lohemia.

Case 1.1.20

On 26 August two East Timorese people were allegedly killed by Aitarak militia in Dili. In the same incident three others were injured. The militia fired directly into the crowd of pro-independence supporters as Indonesian police stood by.

Case 1.1.21

Bernadino Guterres was reportedly shot by a Brimob member in Kuluhun, on 27 August, after shouting insults at police for failing to stop the militia and their violence. It is believed he was killed but this is not confirmed. Also believed to be killed was a high school student named **Metta Araujo**.

Case 1.1.22

On August 28 the village chief of Lospalos, **Verissmo Quintas** was killed by militia members when they attacked his home. His wife and one of his sons are reportedly missing. There were reportedly two other unconfirmed killings. Local sources claim Verissimo was killed because he was a pro-independence supporter. Militia apparently found a CNRT flag in the victim's home triggering their attack that led to Quintas' death. The CNRT office was fire bombed and destroyed. An adjacent restaurant and a public market were torched. The Indonesian police arrived at the scene an hour and 15 minutes later, even though the CNRT office is located only 500 metres away from the police station.

Also there were reports that eight others were missing but believed to be dead. According to an eyewitness, all victims were forced to get out of the mini van and then tortured to death by the militiamen. The ETHRC is verifying the circumstances of this case.

Case 1.1.23

On August 28, militia forced journalists and UNAMET personnel out of the village of Maliana. Reportedly, at least two people were killed in the clash. An eyewitness reported that police shot one of the civilians and militia stabbed the other (See *Case 2.2.6* & *Case 3.3.9*).

Case 1.1.24

Joao Lopes Gomes was stabbed to death by a mob of militia on 30 August in the town of Gleno. Joao was the first East Timorese UN worker to be killed. Other UN staff were continually receiving death threats. Local sources claim that Kopassus troops were disguised as militia members. It was also reported that two other unidentified local UN workers were killed, but the circumstances of their deaths are unknown. Militia attacked a UN helicopter and then held up a 17 car UN convoy, with 150 people, for several hours.

Case 1.1.25

On August 31 there was an unconfirmed report that pro-autonomy militia killed a family of eight in the village of Hera. Police are investigating but the ETHRC is still trying to confirm the report.

Case 1.1.26

Jorge Francisco Bonaparte, 19, was killed and three others injured in a violent incident outside the UN headquarters in Dili on 1 September. It was reported that Jorge was shot and bludgeoned to death by militiamen wearing red and white headbands with Indonesia's national colours.

Case 1.1.27

On 2 September two local UNAMET staff members were killed in the town of Ermera. Their names and the circumstances surrounding their deaths have yet to be confirmed.

Case 1.1.28

Two graves were found under and near the Halillaran bridge, Taibesi. The body of a young man was in the grave under the bridge and the bodies of a young mother and her baby were in the grave near the bridge. According to the eyewitnesses, the young man was shot on 8 September and the others were killed on 5 September. An eyewitness identified the killers as Carlos Mirando (an employee of Pemda TK11, Dili), Julio (security in the Old Mercado), Mario and Manuel Qintao who led the attack in Lahane.

Case 1.1.29

ETHRC sources confirmed that on Monday September 6, an East Timorese refugee was tied up and then repeatedly stabbed until he died. This incident took place in Atambua (West Timor). In Kupang (West Timor) a further two[22] East Timorese refugees were shot dead in front of their families and friends and then taken to an unknown place.

Case 1.1.30

On 6 September a killing of three people took place in Ruko Delta Comoro, Dili. INTERFET and its medical team found three unidentified bodies in the gutter, on October 23.

Case 1.1.31

A partly decomposed body that had been eaten by animals was found in a burnt house. According to an eyewitness, it was the body of a man named **Guilermino**, a member of CNRT and an employee of the Dili orphanage. According to an eyewitness, the victim was still at the UNAMET compound on the 4 and 5 September, but left for his house on 6 September. He was then arrested and killed there by militia and TNI and his home burnt to the ground.

Case 1.1.32

It was reported that on 7 September, three killings took place at Sabu hamlet in the village of Holsa. The three victims were **Duarte Belisinha Goveia**, 54, civil servant at Maliana Public Hospital, **Victorio Brito**, 12 and **Duarte Brito**, 11. It is alleged that TNI soldiers were sent to the village after the announcement of the State of Emergency. The ETHRC is still trying to confirm whether INTERFET took away three bodies or one as reported.

Case 1.1.33

The ETHRC has confirmed the deaths of 70 students (believed to be more) who had been studying in Java and were being brought back to East Timor. The students arrived at the Dili Port on the Dobon Solo ship and were taken by militia. Some were killed straight away and others were taken in Kijang cars and killed at another location. Female students were raped before they were killed. Bodies found in Hera are believed to be some of the students. INTERFET found more than 100 bodies at the port and then cremated them. It is believed that the killings took place on 7 September.

One student, Agusto Fernandes, survived the attack when he was taken away by people dressed as militia. At Tibar, situated between Dili and Liquica, the people who took the student away revealed themselves not to be militia and released the student.

In Tibar, many of the male population were forced into the militia but helped a lot of people, especially refugees from Dili.

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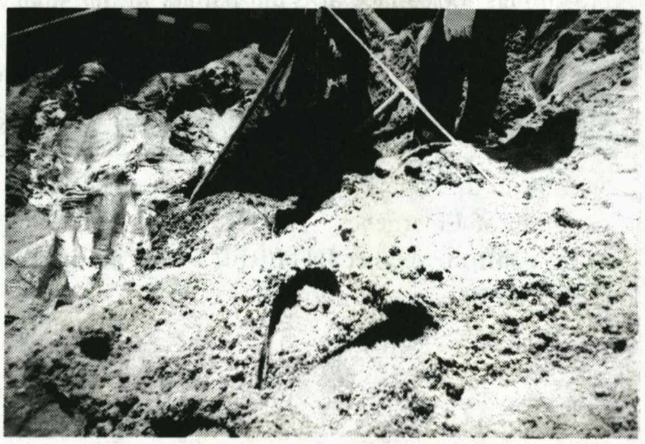
[22] ETHRC UA14/99

Case 1.1.34

Fr. Hilario Madeira, Fr. Francisco Soares, an Indonesian priest, Father Dewanto and three Catholic nuns who were living in Suai were executed. It was also reported that **Fr Luis Bonaparte** was killed. The ETHRC received further information that up to 100 people were also killed in this attack. It is believed that these killings took place between Monday 6 September and Wednesday 8 September.[23] On 25 November, 3 graves in West Timor were uncovered revealing 26 bodies, including the bodies of the three priests.



Remains of the three priests killed in Suai are discovered in a gravesite in West Timor.

Case 1.1.35

Approximately two hundred East Timorese people were confirmed as killed on September 8 in Oecusse. Seventy of the killings were confirmed as having taken place in three different locations in Oecusse: Oesilo, Letive and Pasabe. It was reported that a large number of those killed were primary and secondary school teachers and government officials. Houses were also burned. The perpetrators of these killings and the burning of the homes were the TNI and military-backed militia.[24] ETHRC has since obtained another list from a reliable source of people who were killed in Oecusse between 29 August and 27 October. (see Appendix B).

Case 1.1.36

The bodies of two victims who were killed by militia and TNI on 8 September, were taken away by INTERFET. The empty graves of the two civilians were found in the residence of Hakim Tinggi (High Court), Pantai Kelapa.

Case 1.1.37

The grave of a young man, identified as **Acacio** (no surname), 22, was found 10 meters away from Bundaran, Comoro, Dili. It was reported that Acacio was killed on 8 September, by his brother-in-law who was a member of Aitarak. He was shot because he refused to go with his brother-in–law to Atambua, West Timor.

Case 1.1.38

On 8 September 1999, **Rosalina N,** 22, and **Tito Franca,** 27, were killed by members of Dadurus Merah Putih militia and TNI. According to ETHRC sources, both killings took place on the border between East and West Timor. The bodies were buried in the yard of a platoon commander of Dadurus Merah Putih militia's house in Tunubibi.

Case 1.1.39

On 8 September 1999 at 11.00am, **Felix Laku Mai,** 29, and **Jaime de Antas M. Noronha,** 24, both from Memo village, were shot dead by five members of the Dadurus Merah Putih militia, one of whom was identified as Agostu Manuhole from Saburai Village. The killings took place in Lepgen Hamlet in Memo. According to ETHRC sources, the victims were shot dead when they came back from hiding in the mountain nearby to get food. Jaime was shot in the back, his left hand and penis had been severed. The body of Felix was found later hung by his feet from a tree.

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[23] ETHRC UA11/99

[24] ETHRC UA17/99

Case 1.1.40

On 8 September 1999, **Mariana da Costa,** 47, was shot dead at her farm in Opa village, Lolotoi sub-district by Jose Cardoso (alias Mozintho), a commander of Kaer Metin Merah Putih militia. Mariana's killing was witnessed by her husband Herminio Belo. Her body was located 10 metres away from where she was killed. Mariana had a bullet wound to her forehead. Her chest had been split open revealing that her heart and other organs had been removed.

Case 1.1.41

On 8 September 1999, members of the Merah Putih militia, wearing ninja like clothes, entered a police station where villagers had sought protection from the violence. The militia arrived with a list of names of people they intended to kill. The militias searched for the people among the crowd at the police station and proceeded to kill them. The militias then burnt down the police station with the bodies of those killed still inside the building. Later, local human rights groups found charred remains in the building. Sixteen people were confirmed among those killed, although the number is believed to be higher. The names of those killed were: **Julia Barros,** head of Maliana District, **Manuel Barros,** Head of PDI-P, **Corporal Domingos Goncalves Pereira,** Head of Ritabou village, **Lorencio da Costa,** civil servant, **Martinho Lopes Amaral,** police corporal, **Filomeno Guterres,** police Second Sergeant, **Martinho (no surname),** primary school teacher at Raifun, **Daniel Macedo, Jose Pael,** 34, Memo primary school teacher, **Francisco,** 58, **Joaquim Monteiro,** and **an unidentified 12 year-old child.**

ETHRC sources reported that members of KODIM and police stood by and watched while the militia members killed the people at the police station.

Case 1.1.42

At the residence of Francisco Cabualdi in Audian, an empty grave was found. The grave contained a woman's hair, blood-stained clothing and underwear. It was suspected the victim had been raped before being killed by militia and TNI. INTERFET had taken the body away.

Case 1.1.43

An empty grave was found at the complex of the TNI 744 residence in Becora. The bodies of three men were taken away by INTERFET and their family members and buried in another location. The three men were executed by the TNI (KOSTRAD) under the leadership of Major General Kiki Sakir. The victims were **Rovino**, 36, who lived near the TNI residence, **Angelo Ximenes**, 26, the brother-in-law of Rovino and **Anacleto Riberio**, 29, a student of UNTIM. They were arrested and killed by TNI when they came down from Karaumate village to look for food in Becora.

Case 1.1.44

On September 9 the ETHRC confirmed that an unidentified East Timorese man was shot dead by combined militia and TNI forces in Atambua.[25] ETHRC sources reported that it was increasingly difficult to distinguish between militia and Indonesian military.

Case 1.1.45

On 9 September 1999, it is believed 14 East Timorese civilians were killed by members of the Dadurus Merah Putih militia and TNI. According to ETHRC sources, the 14 civilians had escaped from the police station when it was attacked but were later captured and killed. Their bodies were thrown into the sea off the coast of Batugade. Only eight of the victims have been identified as: **Manuel Magalhaes**, 52, a CNRT leader in Bobonaro; **Carlos Maia,** 58, UNAMET local staff; **Albino Macedo,** 33; **Agustinho Macedo,** 33; **Daniel Macedo**; **Jose** (no surname) of Raifun; **Pedro** (no surname) of Raifun; **Ernesto** (no surname), cow seller. The perpetrators have been identified as Dadurus Merah Putih militia under the command of Ign. Natalino Monteiro and Joao Kometa. TNI soldiers were identified as Second sergeant Domingos dos Santos, Second sergeant Julia Gomes, Second sergeant Maubuti and Corporal Romeo Bere.

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[25] ETHRC UA14/99

Case 1.1.46

On 9 September, TNI (Korem 164 WD, Dili) and militias led by Rui (First Sergeant) and Alarico (Second Sergeant), both of whom were in uniform, went to houses in front and behind of SMP, SMIK and STM and forced the residents to flee East Timor. **Paulo da Costa** and his family were among those forced to evacuate. Firstly, they were taken to the headquarters of TNI in Becora. Paulo was then killed by the militia and TNI and his body was found behind the fence of SMP111 (Junior High School 111) and family members buried him there in the school compound. His family members were forcibly evacuated to Kupang but returned to Dili on 27 October.

Case 1.1.47

The ETHRC reported on 10 September that **Jose da Costa** (Mo' Hudo), a CNRT leader, was arrested by Indonesian police in Kupang (West Timor).[26] ETHRC sources have confirmed the death of Mo' Hudo. He was taken from Kupang by militia and TNI and was killed at the border.

Remains of Jose dos Reis Amaral are stored in his house by his relatives in Suai.

Case 1.1.48

ETHRC sources have confirmed the deaths of **Antonio Mendonca, Benedita de Jesus**, 31, **Martina Verdeal**, 30, **Justina Cardoso**, 30, **Agostinha Alves**, 18, **Crispin Verdeal,** 12, **Paulo Serao,** 25, **Alberto de Jesus,** 50 and **Jose dos Reis Amaral**, 28, who were killed by militia in Suai. The remains of the victims are being stored at the family homes.

Case 1.1.49

On September 10, **Rev. Francisco de Vasconcelos Ximenes** (GKTT of Christian Church in East Timor) was shot dead on the road to Baucau. He died the following day. The perpetrators were militia, in the company of Indonesian police. Rev. Ximenes had been sheltering approximately 100 refugees in Hosana Church, Dili. When martial law was imposed, a truckload of police came and told them to go to the police station. Fearing for their safety if they did go, Rev. Ximenes, other church workers and the refugees decided to leave the church and travelled out of Dili instead. In concern for the safety of the women and children, the men separated from them, as it was the men who were being targeted.[27]

Case 1.1.50

ETHRC sources confirmed that on Saturday 11 September the wife of an East Timorese nurse was killed in the town of Dare. It was reported that the shooting attack was by Kopassus soldiers.[28] Despite internal steps to locate the man, his whereabouts is unknown. Sources also confirmed that a German Priest, **Fr Albert Garim** was also killed in Dare. It is believed that Kopassus were also responsible for the German priest's death (See *Case 2.2.7*).

Case 1.1.51

On 12 September two civilians, **Fernando Gomes**, 50, and **Paulino Bianco**, 22, both of Cassa Village, Ainaro, were killed when they tried to escape to the jungle. Fernando was shot in the back with a home made gun. The gunshot also pierced his chest. He was also stabbed until he died. Paulino was also stabbed until he died. His hands were cut off and his feet tied together. The locals found their bodies when they returned from hiding in the jungle. The perpetrators were identified as Remijio Lopes, Mahidi member and Eusebio Lopes (First Sergeant) from Koramil Cassa.

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[26] ETHRC UA14/99

[27] ETHRC UA15/99

[28] ETHRC UA13/99

Case 1.1.52

According to eyewitnesses, **Alfonso Gonsalves,** 37, the brother of Father Antonio Gonsalves was shot in the chest and killed by militia and TNI on 13 September. The incident occurred after an attack in Farol, Letefoho, Dili, where militias set fire to homes after looting them. The body of the victim was buried by people who witnessed the killing and also by an East Timorese policeman. The killers were identified as Isaac Soares, TNI from Kodim 1637 and Antonio who was the chief of the village Letefoho.

Case 1.1.53

On 21 September the ETHRC[29] reported the deaths of five unidentified East Timorese people in Baucau. Their deaths occurred at 8am in the morning and members of TNI Battalion 745 were responsible for the deaths. Battalion 745 was travelling from Lospalos to Dili. ETHRC sources confirmed that TNI forces were killing and burning as they moved from Viqueque, Lospalos and other parts of East Timor. ETHRC sources have since confirmed that one of the five people killed was **Constanino** (no surname). The ETHRC confirmed that the 5 were killed on 12 September but not found until 21 September.

Case 1.1.54

The ETHRC has confirmed the deaths of three unidentified high school girls whose bodies were found in Hera. The girls were also raped by Aitarak militia. An eyewitness reported the case to Yayasan Hak.

Also, two unidentified elderly East Timorese men were found dead between Metinaro and Hera. It was reported that the two men's necks had been cut.

Case 1.1.55

ETHRC sources have confirmed the death of a well known East Timorese boxer, **Thomas Americo** and two other unidentified East Timorese. Thomas was a strong and active supporter of independence. The bodies were found at the Motael Clinic.

Case 1.1.56

People from the local village of East Lahane found 9 bodies. It was claimed that 4 of the victims were shot by TNI at the Permancar TVRI, Dili, as they were coming down from Dare to look for food. None of the victims could be identified.

Case 1.1.57

An unidentified body was found at Camea village. It is believed the victim was killed early in September. People from the local village buried the dead body.

Case 1.1.58

Edio Saldanha, a volunteer for Yayasan Hak, was killed by Aitarak militia led by Mateus de Carvalho. It was reported to Yayasan Hak that many people were killed in Hera and Metinaro. The exact figure is still being confirmed.

Case 1.1.59

The ETHRC has confirmed the death of **Antonino de Jesus** (27) by militia. Antonino, an East Timor Student Solidarity Council member (ETSSC), was travelling in a taxi with a priest and another unidentified student when they were stopped by militia and taken to Koramil headquarters in Atambua. The priest was released and the whereabouts of the other student is still unknown.

Case 1.1.60

On 21 September, **Anacleto Benedito da Silva** was reported as missing. ETHRC sources have confirmed that Anacleto, **Sanjo Ramos** the driver and a British journalist and a photographer, were captured by TNI Battalion 745. The driver was struck in the head severely with a rifle butt resulting in the loss of an eye. The British journalist and photographer were later rescued by INTERFET troops and taken to

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[29] ETHRC UA16/99

Darwin. The ETHRC has been unable to confirm Anacleto's whereabouts, but believes he was killed.

Case 1.1.61

The following is a list of victims who were shot by TNI and militia in September. The killings took place around 5.30am because the TNI armed militia knew that many people were trying to escape to the jungle instead of going to West Timor: **Ernestina Bianco,** 28; **Joao Nunez,** 50; **Afonso de Arujo**, 50; **Gurnuno** (no surname), 65; **Alsino Maugal**, 22; **George da Silva**, 40, all from Mau Suka hamlet; **Francisco Bianco,** 45; **Isabel da Conceicao,** 68; **Lucia da Silva,** 40; **Jacob Bianco,** 34; primary school teacher in Mau Nuno; **Anoi** (no surname), 3&1/2, all of Aileu hamlet. The perpetrators of human rights violations have been identified as: Zefarino Bianco, First Soldier TNI Koramil, Casa; Alexandrio (no surname) First Soldier, Koramil, Casa; Silvanio Cassa, First Soldier; David Alves, First Soldier, Koramil 04 Hato-Udo; Luciano (no surname), Chief Soldier; Angelo (no surname), First Soldier; Miguel (no surname), Chief Soldier; Domingos Carlos, First Sergeant; Cesario Tilman, Second Sergeant, all based at Koramil, Hato-Udo. The Mahidi militia identified are: Ernest Lopes; Jesito Neves; Silvestre de Oliveira; Orlando da Silva; Nemexio Lopes de Carvalho; Cancio Lopes de Carvalho; Sabino de Oliveira; Felisberto das Neves and Remexio Lopes.

Case 1.1.62

The remains of 12 civilians were found in a burnt out car (Kijang) in Tasitolu Comoro, Dili. It is believed that all the victims were from one family who were escaping but were stopped and killed by the militias and TNI, and then were burnt along with the car.

Case 1.1.63

The ETHRC has confirmed some of the circumstances surrounding the reports of killings of many students who were aboard the Dobon Solo. The students were being taken from Dili to Kupang. ETHRC sources claim that photos had been taken of students having their heads cut off. The bodies of those killed were then thrown overboard.

Case 1.1.64

Around late August or early September 1999, members of BRIMOB, shot from behind and killed **Bernardino Guterres,** 25[30] on the streets in Dili. His killing was captured by a photographer, revealing that Bernardino was unarmed when he was shot dead.

Case 1.1.65

On 14 September **Adolfo** (no surname) and **Manuel** (no surname, both of Raifun village were killed at the bridge of Buipara, Lahomea village. The victims had been shot by militia and TNI and their bodies were found later festering in the river side. The perpetrators have been identified as: Romeo Bere, TNI member from Kodim 1636/Bobonaro; Crispin (no surname) militia member and relative of Romeo Bere; Manuel Letobete, militia member and relative of Romeo Bere; Abilio (no surname), militia member and relative of Romeo Bere.

Case 1.1.66

Manuel Lelo Mau, 28 of Hatuada, was shot eight times and stabbed in his stomach. Two others, Jose dos Santos and Silverio Makura managed to escape the attack. The incident took place in Hatuada village and the perpetrators of the killing have been identified as: Delfin Saka Besi, militia ARMUI from Atabe; Silvestre, Militia ARMUI from Atabe and other members of ARMUI from Atabe and Halilintar from Cailaco.

Case 1.1.67

Six unidentified people from Uemarok village were killed by militia and TNI under the command of Second Lieutenant Sugito, Commander of Komaril 01, Suai City. The bodies of the victims were cut into pieces and loaded into a military truck with the licence plate number, 064. Sugito was wearing doctor's clothes during the operation.

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[30] Life Magazine, December 1999, p. 82

Case 1.1.68

Marcal Amaral Corte-Real, 32, a religious teacher and inhabitant of Matai village Suai, was arrested in his house and taken to KODIM Suai on a military truck. A few weeks later, the perpetrators informed his family that he had been killed. Members of Laksaur Merah Putih Laksaur, Andreas Coli, Bete Aloi and Nicolau were identified as the perpetrators of this killing.

Case 1.1.69

An unidentified body of an East Timorese person was found by local people on the street of Matai village, Covalima. The hands and legs had been cut off. Egidio Manek, a commander of Laksaur Merah Putih took the body on a truck. No information was obtained on the perpetrator or where the body was taken.

Case 1.1.70

An ETHRC source has confirmed the death of a student leader in October 1998. **Simon Bernardinho** was killed by Laksaur militia. He was regarded as a hero by other students as he rescued many people from prison.

Case 1.1.71

The ETHRC has received a report from the East Timor Student Solidarity Council (ETSSC) that approximately 100 of its members were killed or unaccounted for, before, during and after the ballot campaign. ETHRC is still seeking further information to confirm the exact number.

Case 1.1.72

According to eyewitnesses in Zulo village, Zumalai there were about 100 bodies buried in 60 graves. Mahidi militia were reportedly responsible for the killings.

Case 1.1.73

Domingos Freitas, 30, a farmer from Ossoguigui hamlet, Umana-Ulu village, Baucau district, was arrested by an unidentified ABRI member as he was on his way with his small child to visit his father-in-law's house. He was forced to leave the child and was brought to the military post. He died later on.

Case 1.1.74

A severed body was found in a box in a metal cupboard about one month after the killing. It was in the home of Ms Albertinha Exposto which was rented to a baker and business woman named Siti. It was uncertain whether the dead person was a resident of the rented house or an outsider who was killed by militia and TNI and then thrown into the house that burnt to the ground.

Case 1.1.75

Two graves of two young men were found under a tree 400 meters away from SMU (Senior High School) Kristal compound. According to an eyewitness, the victims were coming down from Dare with five other men to look for food but were stopped by TNI (KOSTRAD) and shot dead. The other five managed to escape.

Case 1.1.76

On 21 September, a convoy of Indonesian soldiers belonging to Battalion 745 passed through several towns, burning houses and shooting into people. Two brothers, **Abreu da Costa** and **Egas da Costa,** who accidentally ran into the path of the military convoy, were shot and stabbed to death. The convoy then passed through the villages of Buruma and Caibada, where an eyewitness reported three more bodies by the side of the road, victims of Battalion 745. According to eyewitnesses, **Lucinda da Silva,** was shot dead in the chest, after attempting to flee from Battalion 745. **Elisita da Silva,** was also shot dead when she attempted to flee the soldiers with her young daughter. **Carlos da Costa Ribeiro,** a schoolteacher, was shot in the head. His body was found by the village chief of Caibada. The military convoy then headed on to Laleia, where **Francisco Ximenes** and an unidentified person were killed by the Battalion. Francisco's body was later found at a ravine near the road towards Dili. His sister, **Francisca da Costa Ximenes,** was arrested and forcibly taken to West Timor, where she eventually found her way back home. Arrested with her were two other unidentified young men, pro-independence supporters, who were beaten and tortured with bayonets. The men were believed to have been taken to Manatuto but have not been seen since.

Case 1.1.77

The ETHRC reported that **Mother Superior Celeste de Carvalho (Pinto), Fernando dos Santos, Jacinto Xavier**, both Deacons and **Valerio (no surname)** a seminarian had been killed near Lospalos. Another three East Timorese were also among the dead including two female lay workers from Caritas in Baucau and the driver of the vehicle. Two foreigners, an Italian nun, Mother Erminia Cazzaniga, and an Indonesian journalist, Agus, were also among the dead. It has been confirmed that militia were responsible for the killings which took place on Saturday 25 September. Other sources allege that TNI were also involved in the incident. It is believed that the group was on the return journey to Baucau after delivering food to refugees who were hiding in the hills near Lospalos.[31]

According to an eyewitness account, Mother Erminia Cazzaniga was the first to be killed. When the militia stopped the car, she stepped out to talk to the militiamen. As she spoke with him, he raised his machete and sliced off her face. He also hacked at her left arm. Mother Erminia's body was discovered with two bullet wounds, one to her chest and the other to her temple. According to the witness, the last bullet to her temple killed Mother Erminia. Sister Celestina had attempted to flee but was captured by the militiamen who then hacked at her legs. She was then shot dead, with a bullet to her head. The two Deacons were both hacked to death, their bodies almost beyond recognition. The others were all shot dead. All bodies were then put back in the car and the car was then dumped into a river, which the ETHRC has confirmed to be the Luro river. The bodies were recovered a few days later by nuns and priests from Lospalos and they were buried in Fuiloro, Lautem.

Case 1.1.78

On 29 September, a resident of Becora suburb found two bodies of unidentified males at the compound of STM Becora. The bodies were then buried by the resident and his friends in the same compound. Half of a severed body, without its head, was also found by the same person at the SMIK compound, Becora. Again, the victim was buried in the compound.

Case 1.1.79 to ***Case 1.1.121*** (See Appendix A)

1.2 Attempted Extrajudicial Executions

Case 1.2.1

On the 1 March, **Fernando Freitas**, 25, a conductor on public transport and a resident of Wailili village, Baucau district, was shot in the left foot by a KODIM member. The incident happened when Fernando was in his car and on his way from the old city to Kota Baru (new City).

Case 1.2.2

Carlito Pinto, 18 of Laisorolai kraik village, Baucau district, was shot in the sole of his left foot by a member of KODIM on 13 March.

Case 1.2.3

On 21 March **Jose Andrade's** house was attacked by members of Makikit and Komaril 04 of Lacluta. Troops from the same unit went into the house and beat up its residents. **Jovelino** (no surname), **Jeronimo dos Santos**, 26 years, **Gergitio Fernandes**, **Francisco Gomes**; **Salvador Paiva** and **Felipe Nerio** were dragged outside, beaten up with rifles and wood and kicked. Jose Andrade was shot with an arrow by Alexio Martins, Meskita member. Other perpetrators have been identified as Americo Simoes, alias Laku-Lelak, We-Kfia, Jose Soares, Makikit member and Joao Acacio, RATI.

Case 1.2.4

On 23 March, **Lamberto Boavida**, a 19 year old student from Baucau, was shot in the ear when ABRI started shooting everywhere in Baucau.

Case 1.2.5

On 2 May, **Dionisio Xavier's** first left finger was shot off during a shooting attack by security armed forces during the night at Uailili village.

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[31] ETHRC UA18/99

Case 1.2.6

Benjamin (no surname) 36, **Pedro** (no surname) 35, **Berismo Barreto**, 40 and **Afonso Gomes**, 28 were shot at during an attack by 11 members of Mahidin militia on 15 July at about 12.00pm. The militia attacked the four men, all from the village of Lour, Suai, with home made guns. Benjamin and Pedro were wounded in the head, Berismo was wounded on the foot and Afonso was wounded on the mouth.

The victims were too afraid to seek medical treatment in the hospital or medical centre because they feared further persecution by the members of Mahidin.

Case 1.2.7

Marcelino Soares was shot in an attack on August 11 in Viqueque. He sustained serious injuries to his shoulder (See *Case 1.1.15*).

Case 1.2.8

On 18 August two students from the Fretilin university group, **Ernesto Soares** and **Domingos Soares**, were seriously injured when militia attacked their office in Maliana. Three others were also slightly injured in the attack (See *Case 1.1.6*).

Case 1.2.9

Virgilio da Costa and his friend **Ussalao de Jesus Cepeda** were shot on August 26 in Dili.

Case 1.2.10

Eight year-old **Liliana Trinidade** was shot in her right eye when members of Kostrad and militia fired on 3,000 East Timorese seeking sanctuary in Bishop Belo's residence. Liliana subsequently lost her eye. (See *Case 2.1.10* for details on the attack on Bishop Belo's residence)

Case 1.2.11

An East Timorese man was wounded in a shooting attack in Dare on September 11 and was taken away by the Kopassus soldiers[32] *(See Case1.1.51).*

Case 1.2.12

TNI and Mahidi militia shot and wounded civilians as they were trying to escape to the jungle. The victims were **Francisco Bianco**, 40, and **Maria Bianca,** 26, both of Aileu hamlet. Also **Armando Xavier,** 40, and **Agunda Bianco,** 4, both of Mau Suka hamlet.

Case 1.2.13 to *Case 1.2.18* (See Appendix A)

2. Violations of the Right to Individual Liberty

2.1 Arbitrary Detention

Arbitrary detention has long been practiced in East Timor. This violation has often been followed with the victims being subjected to serious torture and inhuman treatment, such as electric shock. As a member of the UN, Indonesia has consistently violated widely accepted international standards. Indonesia has also failed to comply with its own criminal procedure code (KUHAP), in which it is clearly stated that arrests are the sole responsibility of the police and that suspects must be served with a warrant within 24 hours of the arrest. The cases included in this report clearly show that members of the Indonesian military and pro-Jakarta militia groups have arbitrarily detained East Timorese civilians at an alarming rate in recent months and for purely political reasons.

Case 2.1.1

On 16 March, **Jose Luis Pereira,** 21, of Caibada village, Baucau district, was arrested by ABRI at the airport in Baucau. Jose, a student from the School of Economics, was travelling from Dili to Baucau by bus. ABRI members dropped him from the bus, beat him and tortured him.

Case 2.1.2

Luis Fernandes, an 18 year old farmer from Makadiki Willie, Viqueque district, was arrested on 16 March by ABRI at the Baucau airport. He was on his way from Dili to Watulari by bus. He was beaten, tortured and later released. He brought an appeal from CNRT with him.

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[32] ETHRC UA13/99

Case 2.1.3

Aquilis Freitas, a 17 year old student from Baruwai-be-Ana hamlet, Baucau district, was arrested by ABRI (battalion 745) in Waibehe-Ana village. It is believed he is no longer alive. The ETHRC is seeking confirmation of his death.

Case 2.1.4

On 21 March, **Armando da Silva**, 30, from Zulo, **Agapito Gomes,** 35, from Fatu Leto, **Ruis Vicente**, 28, **Atanagio** (no surname), 28, from Zulo and **Abilio,** a Leusari bus conductor were arrested. Three of the victims were arrested in their homes and the other two were arrested in the street. The fate of the five men remains unknown. Perpetrators have been identified as Cancio Lopes Carvalho, Mahidi militia leader and other members Vasco, policeman and second sergeant and Manuel Bareto.

Case 2.1.5

Marta Fatima, Ivonia Ribeiro, Virgina Sarmento, Ermelinda da Conceicao, Genobeva (no surname), **Agusta** (no surname), **Justina Santa, Etelvina Ribeiro, Gracilda Varela** and **Teresa Varela** were arrested between 17 and 18 May because their husbands were accused of joining the East Timorese resistance movement after the 5 April 1999 Liquica Massacre. **Anita Lemos and Elvira** (no surname) were arrested on 31 May 1999 at Ulmera village. It was believed that the head of the village of Ulmera, Paustino (no surname) gave orders to arrest the women.

According to reliable ETHRC sources, the twelve women were detained and subjected to continued forced labour from the Indonesian Armed Forces backed militia group entitled Besi Merah Putih (BMP). Amnesty International was also informed that the women had apparently been subjected to sexual abuse. All twelve women were held hostage at the houses of two teachers, Geraldo Ribeiro and Manuel Soares, who are brothers. The BMP stated that the women must present their husbands to the BMP by 4 June 1999, or the women would be killed.

The ETHRC also received unconfirmed reports of the women's children also being held hostage. The ETHRC confirmed that the women had a total of 24 children, however, their whereabouts was undetermined.

The twelve women were subjects of a continued wave of numerous separate attacks throughout East Timor. The BMP and other groups sponsored by the Indonesian Armed Forces relentlessly pursued supporters of East Timorese independence. These supporters and their families were repeatedly subject to arbitrary detention, physical abuse, and extrajudicial execution.[33]

In a later report the ETHRC confirmed that all twelve women were released in June 1999.[34]

Case 2.1.6

On 11 August **Zelia Fernandes** was arrested by members of KODIM (District Military Command) in Viqueque and released the following day. During her detention, Zelia was beaten up. On the same day, another student, **Januario da Silva** was arrested by three members of the Indonesian military and subjected to beatings while in detention. He was released at 9am the next day after members of UNAMET (United Nations Assistance to East Timor) and a student leader intervened. During another incident, on 10 August, **Emilio da Silva Guterres** and **Josefina Batista** were kidnapped by the militia. Sources reported that Josefina was kicked in the back and may have been raped while in detention. She was released the same day. Emilio is believed to have been beaten up severely with a block of wood before being transferred into police custody. He was released the following day.

Case 2.1.7

In the Manatuto district, between August 30-31, the Mahodomi militia would not allow a priest to leave the area. His car was taken away and it was believed that the Catholic priest was held in detention.

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[33] ETHRC UA7/99

[34] ETHRC UA7/99PR

Case 2.1.8

Deomentino de Fatima, from the village of Lauhata in the district of Liquica, was detained by the Aitarak militia. He was on his way home when the taxi he and his family were travelling in was stopped. The Aitarak militia searched him and found a small CNRT flag which had been cut out from a UNAMET circular. He was beaten and attacked, then taken away to the Aitark post near the Comoro terminal.

Case 2.1.9

Following an attack on a youth centre on 31 August, several civilians were detained and at least two were beaten and tortured. On the following day, in a related incident, one person was attacked at the Don Bosco student dormitory.

Case 2.1.10

On 6 September, the ETHRC reported that **Bishop Carlos Ximenes Belo** and other priests and nuns were taken into "protective custody" to POLDA in Comoro. They were taken away after the Bishop's house was burnt to the ground. The incident began when Bishop Belo's house and approximately 6000 refugees were under attack from gunfire. It was confirmed that the house was burnt down by militia without intervention from the police who were present at the scene. The police tried to put out the flames only when the house burnt down. The ETHRC was extremely concerned for the safety of Bishop Belo when it received reports that Bishop Belo was no longer held at POLDA in Comoro. It was later confirmed that Bishop Belo had safely arrived in Darwin, Australia.

Case 2.1.11

On 6 September the ETHRC reported that it was gravely concerned for the safety of **Aniceto Guterres Lopes**[35] and approximately 35 other unidentified people. According to Aniceto, the Yayasan Hak human rights office was destroyed by militia in an attack which lasted two hours. There was automatic rifle fire into the building, also other gunfire and loud explosions were heard. It was two hours before the police arrived. Aniceto and the other people were taken by Brimob, at about 3am, to the POLDA headquarters in Dili. While there, the militia who attacked the office was able to come freely in and out of POLDA and those in detention felt quite unsafe.

Aniceto told a Lusa journalist who was talking to him as the police arrived, that the attack started at 9pm on Saturday and he believed it was well planned because all the street lights were out in the immediate vicinity, which was quite unusual. He pointed out that a lot of military personnel live in the areas in which the Yayasan Hak office is situated. Before being taken away by the police, he reported that the city of Dili "is drowned in chaos". He said it was difficult to determine or to confirm the number of violent incidents that had taken place since the announcement of the ballot results on Saturday, September 4. Aniceto, the head of the human rights organisation Yayasan Hak, said "the Brimob are here to take me to their headquarters. I don't know what they want, I don't know if I am being arrested, I don't know anything". Aniceto reported that the militia destroyed his house on Saturday, September 4, then, on Sunday attacked the office. In the past few months he had received death threats for his involvement in human rights activities. A reliable ETHRC source confirmed that Kopassus military personnel were heading these and other violent incidents.

The ETHRC later confirmed that Aniceto and his companions had been released and were safe.[36]

Case 2.1.12

Pedro Oliveira, 26 of Triloka village, Baucau, was arrested on 4 April by members of Kodim 1623b Baucau. The victim was detained at Polres Baucau but has already been returned to his family.

Case 2.1.13

On 16 April, **Aquelino da Costa Guterres**, 24 of Liabala hamlet, Venilale Sub-district, was arrested by Kodim members of Manatuto. It is alleged that he was killed.

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[35] ETHRC UA9/99

[36] ETHRC UA9/99PR

Case 2.1.14

Amancio da Costa, 27, from Bahu village Baucau, was arrested on 19 April by the Security Armed Forces (ABRI) located at Lanud Baucau. Amancio was returning from Bucoli village to Baucau. He has since been released.

Case 2.1.15

On 22 April, **Carlos Ximenes**, 35, of Lavateri village, Baucau, was arrested by Security Armed Forces (ABRI) who were on duty at Lanud Baucau. He was suspected of being a communist. During detention he was beaten and tortured. He was released on the same day.

Case 2.1.16

Marcelino da Cruz, from Bebonuk in West Dili, was arrested by Aitarak militias led by Sabino. He was taken to the Aitarak post in Bebonuk where he was so badly beaten that he started to vomit blood. He was released after four hours when his aunt came looking for him.

Case 2.1.17

On 11 May, **Fernando de Jesus**, a farmer aged 30 from the village of Bibileo, was arrested without a warrant at Baha-Lara-Ua'in village near the corner of Special Armed Forces/Nanggala old post and Garuda Hitam. After Fernando was arrested he was then detained at post Garuda Hitam and then brought to the headquarters of Team 59/75 Junior in Viqueque. While in detention Fernando was tortured by being hit with wood eight times, hit with an iron pipe four times, kicked six times and punched eight times. After these severe beatings he was stabbed. Fernando died as a result of the injuries. It was alleged that Team 59/75 Junior, Special Armed Forces, Team Makikit and troops of Military District 1630, Viqueque, were the perpetrators

Case 2.1.18

On 2 July, pro-integration militia arrested **Domingos Pereira**, 38, at Fatukama in the village of Metiaut. Domingas was able to escape and he ran away, but his family was not aware of his whereabouts.

The lead up to this incident began when Andre, the head of the hamlet visited Domingos at his home with the intention of having a meeting with Domingos and the village police councillor. A large number of militia arrived at his home while he was still in negotiations with the police and the village military councillor. This time Domingos ran away but this incident was a continuation of events which led up to the Metiaut incident.

Case 2.1.19

Five East Timorese males, **Elijoe Gusmao,** 29, a nurse in the community health centre in Tilomaar, **Jose de Fatima**, 32, farmer, **Luciano Amaral**, 42, **Julberto Ventura**, 22 and **Inasio Luan**, 20, Maudemu village, were arrested in their homes. They were tortured and then brought to headquarters of TNI (Kodim 1635, Suai). The perpetrators were identified as Sugito and members of Danramil 01, Suai, (Military Unit 01 in Suai), Lautem District. The fate of the five victims remains unknown.

2.2 Enforced Disappearances

In the first half of 1999, the ETHRC received reports of 67 East Timorese who disappeared. In the second half of the year, the figure rose to 2099. Indonesia is obligated as a UN member to abide by the general principles under Article 3 of the *Universal Declaration of Human Rights* which grants everyone the right to "liberty and security of person," as well as being bound by Article 9 of the *International Covenant on Civil and Political Rights*, which states that "No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

Lack of security in East Timor for human rights organisations makes it difficult to obtain information about the progress of cases. People reported as "disappeared" have often been arbitrarily detained at unknown locations, or were seen being abducted by unidentified individuals. Those who are never located are likely to have been killed, or to have gone into hiding over fear of further persecution or death. The recent violence in East Timor resulted in up to 400,000 people being displaced. While repatriation programs organised by the UNHCR and IOM have enabled a substantial number of people to return to East Timor, there is still a disturbing number of Internally Displaced People who are unaccounted for and are officially considered "disappeared". This makes ascertaining the exact number of those actually disappeared extremely difficult.

Case 2.2.1

Rui da Costa, 28, a farmer from Ossowala village, Baucau district, was arrested on 21 January by a Koramil member in his home. He was brought to the police in Vemasse and later sent to police headquarters in Baucau. The ETHRC is seeking confirmation of his whereabouts.

Case 2.1.2

On 17 March, **Angelo de S. Freitas**, 22, from Bucoli village, **Marcal da Silva Belo**, 21, and **Abreu da Costa Belo**, 23, both from Caisidio, Triloka village were arrested by ABRI (unit 745) at Uai-Beana, Gar-Uai village. Angelo is believed to have been killed and the other two men's whereabouts are unknown.

Case 2.2.3

On 26 March **Gregorio Sarmento**, 26, from Hau-Ho'o Uani-Uma village, Viqueque, was arrested when he got off the Dili-Viqueque bus. A member of Baucau's Military District Command arrested him and stabbed him with his own knife and then cut off his ear. His whereabouts is unknown.

Case 2.2.4

The ETHRC reported that approximately 2000 East Timorese people had been taken away in trucks from Bishop Belo's house and the International Red Cross compound in Dili. The ETHRC still trying to verify their whereabouts (See also *Case 2.1.10*).

Case 2.2.5

On 27 August **Francisco do Nascimento** failed to return to his home. Earlier there had been attacks by militia in the surrounding areas of Dili. On 29 August, Francisco's wife went to the Aitarak headquarters to inquire about him. She was told that Francisco had been detained. She sent her brother to the Aitarak post to make further inquiries and he was told by a friend that his brother-in-law had indeed been detained. His friend had attended to him after a severe beating. The following morning, Francisco was no longer at the post. Francisco's family believed he is dead and they wanted to provide a decent burial for him. His car in which he was travelling and his belt and shoes were found on 28 August.

Case 2.2.6

Fifty people are believed to be missing after an attack in the village of Maliana on August 28 (See Case 1.1.23).

Case 2.2.7

An East Timorese man was wounded in a shooting attack in Dare on September 11 and was taken away by the Kopassus soldiers. Despite internal steps to locate the man, his whereabouts is still unknown (See *Case 1.1.50.*).

3. Violations of the Right to Integrity and Security of Person

Between January to June 1999, the ETHRC received reports of 220 cases of torture and other inhuman treatment. Although the last six months of 1999 have seen an alarming escalation of all violations, the ETHRC has only documented 44 cases of torture for that period. However the ETHRC believes the number to be much higher. These violations are usually preceded by arbitrary arrests and detentions. In the lead up to the 30 August ballot, torture and other inhuman treatment were used as methods of intimidation to frighten East Timorese people into voting for autonomy. In some of the following cases, it is members of the Indonesian military who were committing these violations and which are in direct violation of the obligations the government of Indonesia undertook when it signed and ratified the *United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.*[37]

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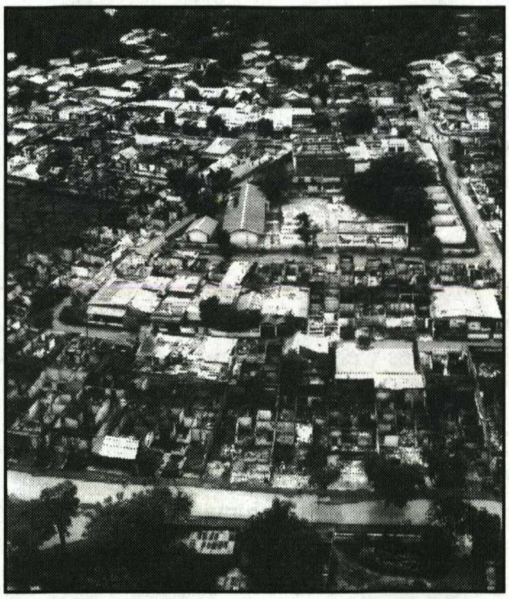
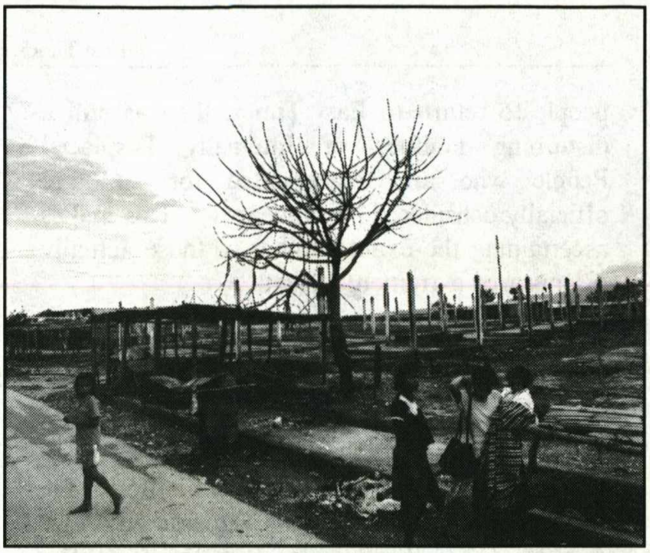
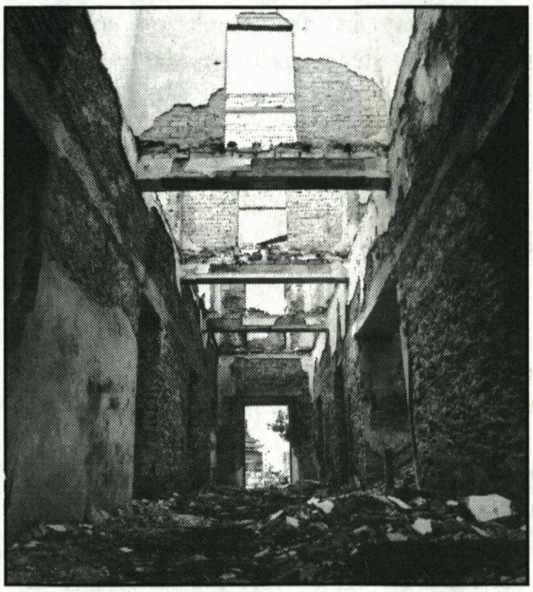
[37] In the *Torture Convention*, "torture" is defined as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a



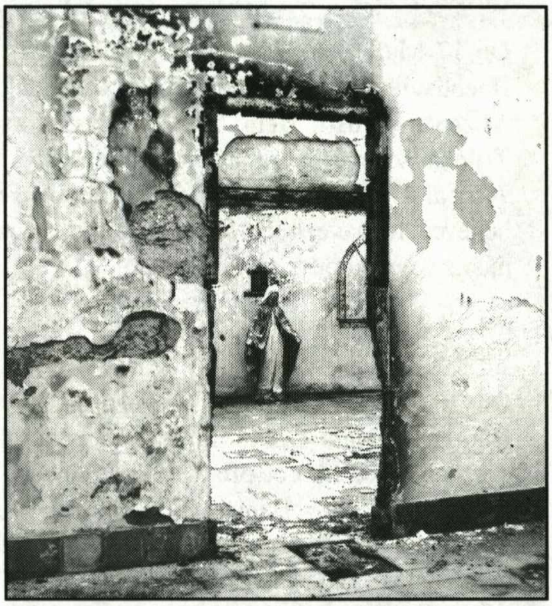
Aerial view, Dili, 11 Dec. 1999



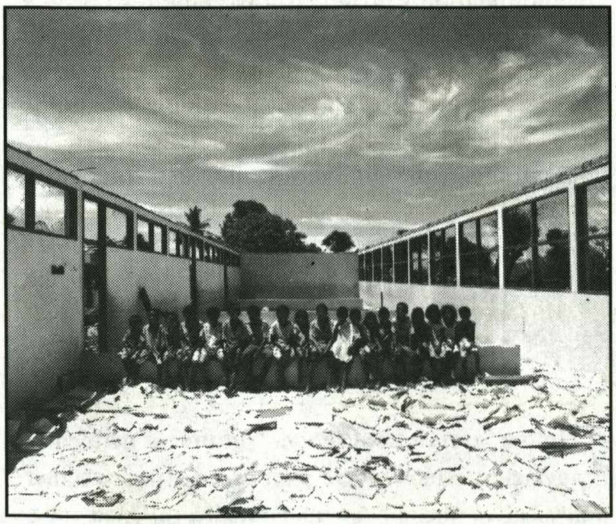
Market - Baucau, 5 Dec 1999



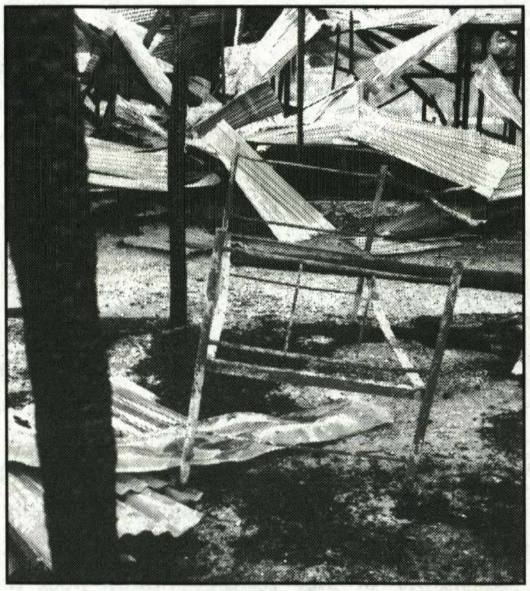
Câmara Eclesiastica, Catholic Church HQ
21 Nov 1999



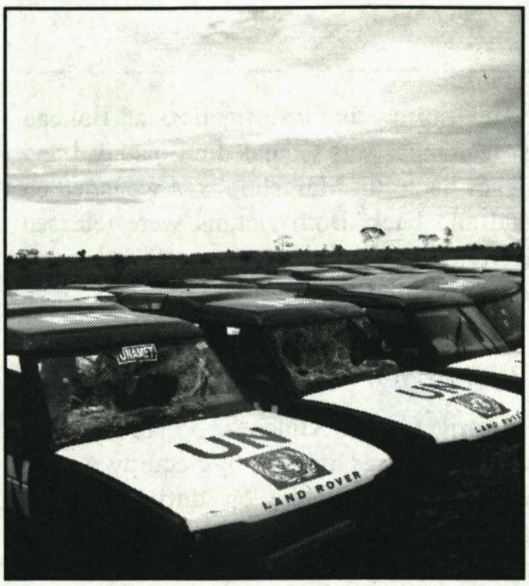
Bishop Belo's house, Dili, 21 Nov 1999



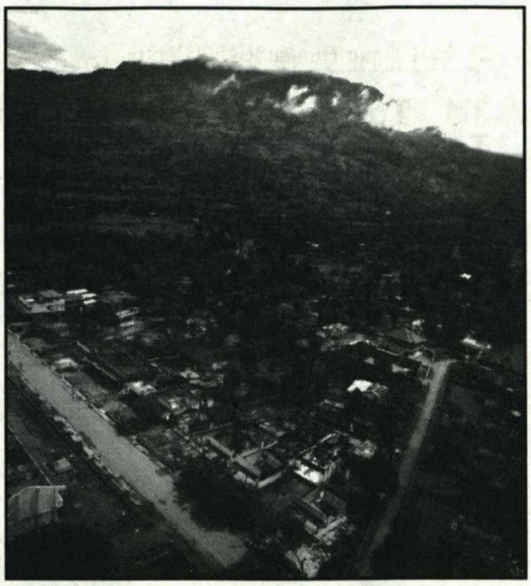
Railian, Atsabe, 28 Nov 1999 - School for 300 children.
It was burnt by TNI and militia on 7th -8th Sep 1999



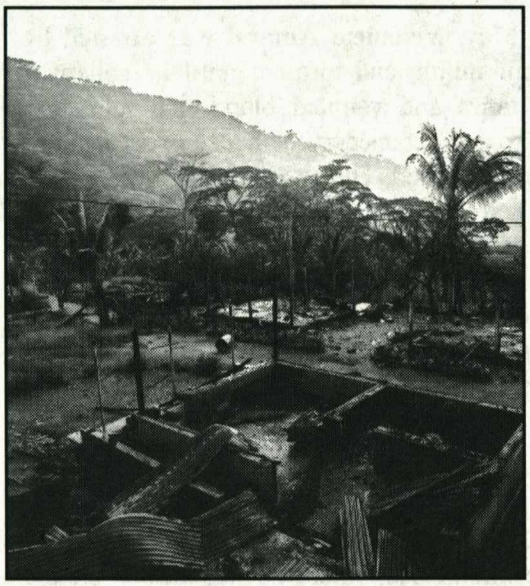
Clinic, house for intellectually disabled, Aileu, 29 Nov 1999



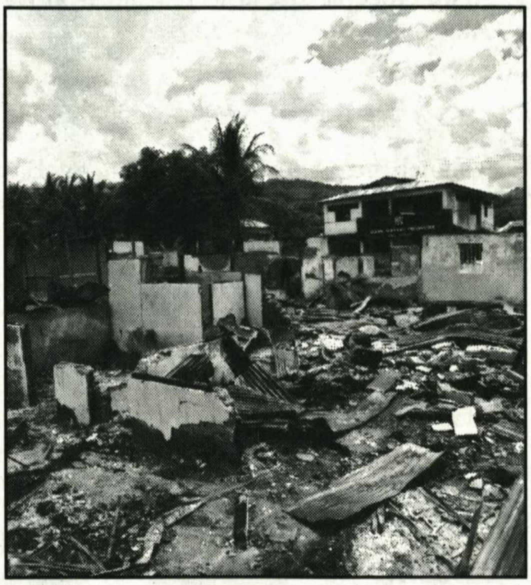
UN vehicles, Baucau Airport, 5 Dec 1999



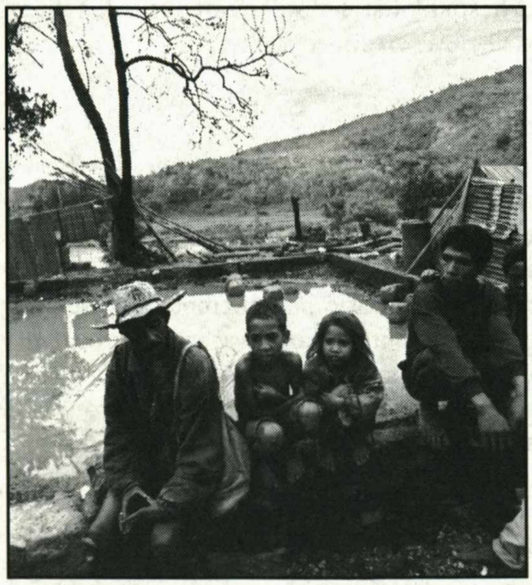
Aerial view, maliana, 10 Dec 1999



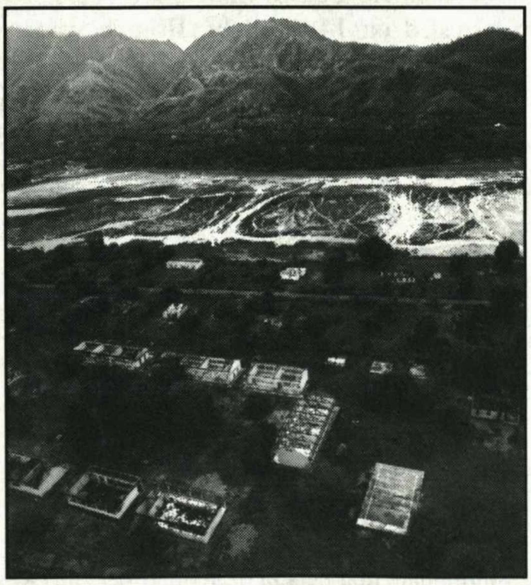
Burnt houses, Bazartete, 25 Dec 1999



Shopping area, Liquica, 15 Nov 1999



Altur Lelo Bere and Family. First house destroyed in Aileu, 29 Nov 1999



Aerial view senior high school, Oecussi, 10 Dec 1999

3.1 Torture & Other Inhuman Treatment

Case 3.1.1

On March 15 **Nelson Freitas**, 19 of Gari-Uai village, Baucau, was arrested by ABRI (combined team). Nelson was beaten up, tortured and his identification card was taken away by ABRI. He was then sent home.

Case 3.1.2

Saturino da Silva, 40, the head of Bahamori village, was tortured by a combined team from Baucau on 8 April. The incident took place during an investigation on the kidnapping of two Kamra (people's security) members at Bahamori village.

Case 3.1.3

Manuel Sarmento da Silva, 24, of Bacadai 2 Hamlet, Bucoli village, Baucau, was arrested on 12 April by a combined team lead by Kodim 1628 Baucau during an investigation in a Bucoli street. The victim was on his way back Vemase to Bucoli. He was brought to Kodim headquarters for interrogation. During the interrogation Manuel was tortured and beaten up because he was carrying a CNRT document. He has since been returned to his family.

Case 3.1.4

Pedro dos Santos, 22, from Komoro, Dili, **Afonso Soares,** 18 of Foiluro and **Julio Fernandes**, Souro village, Lospalos, 19, were arrested on 14 April by Brimob who were on duty at Baucau Detention Centre, Buruma village. Pedro had left Dili to go to Lospalos. He was beaten up and tortured. Pedro was released the following day.

Case 3.1.5

Domingos da Costa Freitas, 37 and **Marcelino da Silva Martins**, 40, both of Buruma village, Baucau, were arrested on 13 April at Baucau detention centre (Kaisahe) because of links to a bomb explosion at Brimob guard post at the detention centre. The victims were tortured and beaten up during the investigation at Baucau Polres. Domingas was wounded on his head and lost one of his teeth. Marcelino was wounded on his head and back. Both victims were released but were still under house arrest and were required to report daily to Polres, Baucau.

Case 3.1.6

On 22 April, **Carlos Ximenes**, 35, of Lavateri village, Baucau, was arrested by Security Armed Forces (ABRI) who were on duty at Lanud Baucau. He was suspected of being a communist. During detention he was beaten and tortured. He was released on the same day.

Case 3.1.7

On 3 May, **Venancio Amaral** was arrested by Laksaur militia and tortured until he collapsed three times and vomited blood. He was later taken to and detained at the house of the head of the neighborhood. The next day some UNAMET staff and a priest came to see him. He was released on 7 May. Laksaur militia involved in this incident have been identified as: Frans Naikidi, Domingos Male, civil servant, Candido Gusmao, former head of village and Gabriel, retired army.

Case 3.1.8

Jose dos Santos was captured by Besi Merah Putih militia in Loedahar in May. He was taken to the militia post where he was beaten on the head four times. He fell to the floor. The perpetrator, Victor, wore boots and kicked Jose and injured his right leg and arm. He was taken to the hospital but he still feared for his life because he was an armed fighter.

Case 3.1.9

On 19 August around 10:45am, an East Timorese man, **Mario Amaral,** was beaten severely by Agapito Luan, a member of the Laksaur militia group in front of the police station in Suai. Mario had attempted to escape his perpetrator but fell and was heavily beaten and bruised. Upon seeing Mario being beaten, his friends gathered together and began throwing stones at the militias. The militia group, in retaliation threw grenades into the crowd, which failed to explode. The militias were joined by members of the police contingent, Loro Sa'e,

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person" to get information, or to punish, or to intimidate that person or another person. Article 1.

who also threw grenades into the crowd, which did not explode. Finally, **Fr. Francisco Soares,** parish priest of Suai, intervened to stop the fighting. During the conflict, Fr. Francisco sustained a gash from a large blade. (See *Case 1.1.34* for details of Fr. Francisco Soares' death)

Case 3.1.10 to *Case 3.1.12* (See Appendix A)

3.2 Rape and Sexual Abuse

In the period covered by this report, the ETHRC received 44 reports of East Timorese women who were subjected to rape and other forms of sexual abuse. These violations were perpetrated by the Indonesian military and militias. Rape is much more widespread than the small number of cases documented would indicate. This is because information about rape is particularly difficult to obtain as East Timorese women are reluctant to speak about their experiences of being raped. Women will not usually report the violation, nor seek medical treatment because they are ashamed and fear further retribution.[38]

Case 3.2.1

The ETHRC has confirmed the rape of a number (believed to be around 20) of East Timorese high school girls in the refugee camps in West Timor. It was also confirmed that military and militia were responsible for the rapes. Since the girls returned to Dili, they are still suffering from psychological problems. One of the girls has committed suicide as a consequence of her trauma.

Case 3.2.2

Maria Fatima, 29, from Maubaralisa village, was raped at night when her husband was taken to militia headquarters. The incident was reported to the military commander but no action was taken. When she and her husband tried to report the incident they were tortured at the military headquarters.

Case 3.2.3

On Saturday March 20 Marcelino Lopes (Makikit militia) and Lourenco Lopes, a public servant, pushed in the door of **Maria Pompeia's** house in Dilor village, Lacluta sub-district. Maria came outside with her child and troops together with team Makikit members took off her clothes and touched Maria's whole body. She was taken to the sub-district military command. She was dragged and kicked in the back during the trip. Her three children were also beaten up. **Aniceto dos Santos Xavier**, 16, was hit with rifles, **Jose da Costa Nunes**, 14 years, was hit with an arrow and **Justo Mesak**, 5 years, was choked and his head pulled at. **Olinda Pinto Martins,** 41 years was also beaten up.

Case 3.2.4

On 25 April 1999, **Candida Maria,** 27, from Belulik Leten village, Fatumean, Covalima district, was raped by Olivio Mendonca, Platoon Commander of Laksaur Merah Putih militia and Agapito da Costa, Second Sergeant of TNI and head of Belulik Leten Village. According to ETHRC sources, Candida was raped in retaliation for her husband Laurentino Amaral escaping to the mountains. She was threatened with her life.

Case 3.2.5

On 10 May, 24 year old **Domingas Pereira** was taken by a militia member and interrogated about her involvement with Falintil. On the way she was raped three or four times. Afterwards, she was taken back home but was told not to tell anyone. Thomas Monaz, 56, has been identified as the perpetrator of the rape.

Case 3.2.6

ETHRC has confirmed that an East Timorese student, **Sandra** (no surname) was raped by Indonesian military while she was studying in Bali. The incident occurred in September, but no firm date was available.

Case 3.2.7

ETHRC sources confirmed that **Fernanda Beitau,** 17, a student from Taroman hamlet, was raped on 26 May 1999 by a member of the

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[38] *See generally* George J. Aditjondro *Violence by the State Against Women in East Timor: A Report to the UN Special Rapporteur on Violence Against Women,* (East Timor Human Rights Centre, 1997).

Laksaur Merah Putih militia called Anis Eduk Asa.

Case 3.2.8

Tereza Soi, 23, from Fatululik/Beco was raped by Agapito Mau, a member of Laksaur Merah Putih militia. The ETHRC is still trying to determine the date and place of the violation.

Case 3.2.9

On 31 May 1999, **Azelia Amaral,** 24, from Lela hamlet, was raped by Alipio Mau, Platoon Commander of Laksaur Merah Putih militia and a civil servant at the Department of Education.

Case 3.2.10

On 18 August 1999 around 7.15pm, an unidentified East Timorese woman was reportedly raped in her house in Ogues. The perpetrator is unidentified but is believed to have been an agent of the Indonesian State. It is believed the perpetrator threatened the victim and stated that if she did not cooperate, she would be killed. The perpetrator also threatened to kill the victim's family and have her husband fired from his job if she disclosed what had happened.

Case 3.2.11

In Hare Kain village, Mape, Zumulai, Covalima, **Jacinta** (no surname) 30 years, was raped in the evening. The exact date of the incident is unknown except that it was some time in May. The perpetrator has been identified as Jaime Lopes, Commandant of Mahidi militia in Zumulai.

Case 3.2.12

A Dili woman whose husband had fled to the mountain was arrested and brought to the headquarters of Aitarak Tropical militia. She was detained for several nights and raped by the militia many times before being released.

Case 3.2.13

Hermina de Jesus a 36 year old housewife, of Ogues village Suai, was raped by Dinis Piedade (Laksaur militia), a civil servant from Leogore village. Details of the rape are still being investigated by the ETHRC.

Case 3.1.14 (See Appendix A)

3.3 Systematic Destruction of Property and Persecution

In late November 1999, the ETHRC commissioned a photographer and a videographer to travel to East Timor. Their objective was to document the aftermath of the violence and destruction following the 30 August Ballot. They visited 25 locations and interviewed 65 witnesses. The ETHRC now has over 1000 photographs and many hours of video footage of the devastation and property destruction. The following are only a very small proportion of the cases that the ETHRC documented for this report but they are an indication of the systematic nature of the violation.

Case 3.3.1

Pro-integration militia conducted shootings on 29 June at Kulhun and Kamea. The shootings occurred nearly every day and were intended to intimidate people.

Case 3.3.2

On 1 July, the commander of Aitarak and Ki D Mateus Carvalho stated at Hera that if the coming referendum in August was postponed, the pro-integration side would conduct a big clean up killing and sabotage in East Timor, particularly in Dili. They had a unit of 50,000 already prepared to conduct the killing. On the same day 11 members of Aitarak, led by Mateus Malimeta came to the House of Antonio da Silva. He ran away when he saw the militias arriving. His whereabouts is unknown.

Case 3.3.3

On 2 July, Dan Ton Alberto Cardoso conducted shootings at various corners of the city of Hera. The shootings were to intimidate people.

Case 3.3.4

On 18 August, at 7.30 am a group went to the church in Ahi Hari to follow the CNRT campaign. After the people left, members of Laksaur came and circled the village and yelling as they came. The militia were shouting "for those who follow the campaign we will return tonight to kidnap and butcher them and throw them into sacks". A witness who heard this reported to those who at the campaign to return straight away to the church and to spend the night there.

Case 3.3.5

On 19 August at 11am a group of Mahidi militia carried out a terror campaign directed at some pro-independence fighters who were campaigning in Zumalai. **Amelia Soares**, a student, was threatened at gunpoint by Domingos Alves, the village head, and Lino Amaral. Both were members of Mahidi militia. They threatened her with "if you try anything I will kill you". A group of Mahidi militia yelled out "we have many firearms and if you try anything or if you follow the campaign, we will kill you all". Stones were also thrown by the militia at those who had finished campaigning at 2pm.

Case 3.3.6

On 18 August at 7am a group came to the church in Leogoro to follow the campaigning of a pro-independence CNRT group. After an hour had passed, members of Laksaur came to homes in the village and forbade others to go to the church to follow the campaign. The militia yelled out throughout the village "those who follow the campaign will be kidnapped and killed tonight. An eyewitness reported this to the other first group who returned to the village around 5pm. They slept in the church.

Case 3.3.7

The ETHRC received a report that twenty-five houses and two trucks were destroyed by fire in the town of Maliana on August 28. Also destroyed were the villagers' rice stores.

Case 3.3.8

On 28 August the CNRT office in Lospalos was fire bombed and destroyed. An adjacent restaurant and public market were also set alight. It was reported that the Indonesian police arrived at the scene one hour and fifteen minutes later, even though the CNRT office was located only 500 meters away from the police station (See *Case 1.1.23*).

Case 3.3.9

On 28 August the ETHRC received a report that twenty- four houses were burned down and up to fifty motor vehicles were destroyed in Oecusse. The attack followed after a gathering of pro-autonomy militias at a party the previous night. The attack went into the night and early morning. Again, it was reported that the police were slow to respond to the violence.

Case 3.3.10

On 6 September the ETHRC reported that Bishop Belo's house in Lecidere, Dili, had been destroyed by fire (See *Case 2.1.10*)

Case 3.3.11

ETHRC reported on 6 September that the Yayasan Hak headquarters in Dili had been destroyed by a two hour militia attack. The head of Yayasan Hak, Aniceto Lopes Guterres' house was also destroyed on September 4. (See *Case 2.1.11*)

Case 3.3.12

On Sunday 5 September, The Camara Eclesiastica (the Catholic Church Diocesan office) was set on fire.

Case 3.3.13

The ETHRC reported[39] on 7 September that **Lucas da Costa** and **Julio Alfaro** had received death threats while they were in Jakarta. Ten unidentified students left the Asrama college in Yogyakata because they feared for their lives. At the time of the report, their whereabouts was unknown.

Case 3.3.14

The ETHRC confirmed that Catholic establishments were being systematically attacked in Dili.[40] The following is the list of the establishments that were burnt: Franciscan Convent in Taibesi; Salesian College in Comoro, Dili; SVD Convent in Kuluhun, Dili; the Nun's Convent in Kuluhun; the Cathedral in Dili;

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[39] ETHRC 10/99

[40] ETHRC UA11/99

Motael Church in Dili; the Seminary, Balide, Dili.

Case 3.3.15

The ETHRC reported[41] that on 10 September militia and military shot into the market place in the centre of Atambua where large numbers of East Timorese refugees were congregated.

Case 3.3.16

On 12 September, **Jacinto Monteiro**, 42, a schoolteacher, reported to the ETHRC that militia members burnt a school building in Ossu, destroying desks, blackboards, books and other school materials.

Case 3.3.17

On 13 September the ETHRC reported[42] that there was a significant presence of Indonesian military, police and militia and that it was increasingly difficult to distinguish between these forces. They were patrolling both Kupang and Atambua and were carrying out operations, particularly at night, where they searched for East Timorese men.

Case 3.3.18

On 21 September the ETHRC reported that TNI Battalion 745 burnt a large number of houses in the Baucau area.[43]

Case 3.3.19

On Tuesday, September 21, the garage of **Fr Joao de Jesus,** who lives in Laga, was destroyed by military-backed militia. It was also believed that the Indonesian army took part in this attack.[44]

Case 3.3.20

On 21 September, the ETHRC reported that many homes in Oecusse had been burned by militia and TNI.[45]

Case 3.3.21

The ETHRC reported on 30 September that there had been widespread looting and property destruction by fire as the TNI swept through Baucau and Lospalos.[46]

Case 3.3.22

Roque Soares Pinto, 38, a teacher from Ossu, reported to ETHRC that during September, members of Nagah Merah from Viqueque, destroyed schools, homes and other buildings in his town. While most of the population fled to the mountains, the elderly and women and children who were left behind were forcibly evacuated to West Timor. Many have still not returned.

Case 3.3.23

Joaquim Rodrigues Lopes, 47 and **Agusto Lopes,** 43, reported that around 13 September, members of militia and TNI burnt the 48 year old Uma Lulik (sacred house), containing ancestral possessions and artefacts in Lospalos.

Case 3.3.24 to 3.3.25 (See Appendix A for Persecution)

Case 3.3.26 to 3.3.54 (See Appendix C Property Destruction)

D. Testimonies from Safe Havens in Australia

Extrajudicial Executions

Case A

Age: 23
Gender: Male
Testimony taken at: Puckapunyal
Date of testimony: 26/10/99
Ref no: 1999/004

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[41] ETHRC UA14/99

[42] ETHRC UA14/99

[43] ETHRC UA16/99

[44] ETHRC UA18/99

[45] ETHRC UA17/99

[46] ETHRC UA18/99

'On Wednesday, 1 September 1999, from 11.15 am to 3.42pm the pro-integration militias opened fire into a small crowd of people in Matadouro. The militias were backed up by Kopassus and members of battalion 744. As a consequence three pro-independence supporters died instantly and another one was heavily injured. All of the people in the crowd dispersed immediately and went to the UNAMET compound.

The victims were:

1. **Joao Fernandes**, 19 years old, from Vilaverde, West Dili Sub-district. He was Abel Fernandes' brother. He died instantly.

2. **Rogerio Bonaparte**, 17 years old, Vilaverde, was shot at his neck and then brought to Motael polyclinic, but died afterwards.

3. **Marcelino**, 20 years old, Vilaverde, was stabbed in different parts of his body and then thrown into a kiosk and was burnt with it. After a while some police members came and took the dead body to the hospital but later the body was retuned back to his family.

4. **Acacio**, 37 years old, Vilaverde was shot at his right thigh but he managed to run away.'

Case B

Age: 33
Gender: Female
Testimony taken at: Puckapunyal
Date of testimony: 24/11/99
Ref no: 1999/006

'We had a meeting about CNRT. Timorese together with Tentara, by the name of Rajawali, went to spy on us at 12 o'clock . They spied on us from 10th to 19th April 99.On April 18th three ESTAFET agents from the hills came to get rice in Hera. That's when Rajawali captured them. The three were killed on 21st April at night. On 21st April in the morning we went straight from Hera to catch a boat in Metinaro.

On 22nd April I came back to Hera. They burnt four houses, Commander Faluk wife's house; they burnt my house, destroyed all my things. A policeman at Hera Post by the name of Afonso do Santos said "Mrs don't come back, people are looking for you to kill you, what did you come back for?" A TNI truck secretly took four people, named Antonio Pe Marcelino, Adolfo, Jacinto and Martins, to bury.

On 23rd April TNI went to capture Domingos and Tomas (no surnames) at home and brought them to Pos Rajawali. When they got there, the TNI did not ask any questions instead just beat them and afterwards took them and killed them.

On 24th April, Tentara Aitarak went to capture Martins (no surname). At 4 o'clock in the afternoon they brought him back to Akanunu. They beat, punched and kicked him, tied his two hands behind his back but before they could dig a hole to take him to kill him, Martins untied himself and escaped.

On 10 May, Rajawali and Commander Mateus de Carvalho, one of Aitarak's leaders, went to attack a technical University in Hera, killed two students and another a group from Baucau named Tinsaka came to save them and took them to Baucau region.'

Case C

Age: 22
Gender: Male
Testimony taken at: Puckapunyal
Date of testimony: 21/10/99
Ref no: 1999/008

'In March 1999, I stopped school because I was being persecuted; they were looking for me. I ran away to the mountains in Lospalos. I was then asked by an Estafet called Marcelino (nickname Boroleba) to work with the Falintil in the eastern region.....

.....On 19 August 1999, I went to Matebian Mountain to celebrate Falintil's anniversary. I returned to Dili on 23 August. Three days later, I helped conduct a CNRT campaign at the Lecidere office. On 27 August, the day after our campaigning, the militia also did their own campaign in the suburb of Kuluhun-Becora. During their so-called 'campaigning' , in which they were joined by members of BRIMOB and SGI, two of my friends were killed: **Ameta** (no surname) and **Alino** (no surname) were shot dead at their respective homes. Ameta was shot in front of his house at Bemori, Ponte Mera. Alino was shot at his home in Becora, Ponte Maufilo. We buried our two friends on 29 August…..

…..On 30 August 1999 I cast my vote in Dili and then went to Dare, fearing an outbreak of violence. I stayed in Dare until 3 September and then went down to the UNAMET compound in Dili.

On 7 September we heard a rumour that the UNAMET staff were about to abandon us. So rather than be left behind for the militia to get us we decided to run away to Dare and stayed there for 4 days. While in Dare I witnessed a killing. The Indonesian soldiers went to Dare and shot a woman in the head, killing her instantly. I do not know her name but I know she was the wife of Nurse Titu. I was just 200 metres away in a hiding place and was able to see the killing. The Indonesian soldiers had not meant to kill the woman. They were looking for Leandro Isaac who managed to escape the shooting. Unfortunately the woman was hit instead. She was buried at 8am the next day in the Santa Cruz cemetery of Dare…'

Case D

Age: 50
Gender: Male
Testimony taken at:Puckapunyal
Date of testimony: 12/10/99
Ref no: 1999/009

'…On April 14 1999 at night the military found him at Manuel's house. Manuel's wife went to notify the Indonesia military to come to see that Elder was shot at 8.15. The first shot from the direction of the window hit him in the right eye. He fell but was still able to move. Military came in beat him up and broke both his legs. When they came out, they started shooting everywhere so that people can not get Elder's body and it was left inside the house till 6am in the morning. The police pretended to go see and when they got there, Elder's dad was also there to see for his own eyes and he could see that Elder was dead…..'

Case E[47]

Age: 50
Gender: Male
Testimony taken at: Puckapunyal
Date of testimony: 27/10/99
Ref no: 1999/009

'In Ermera jail in 1998, he was a prisoner there for a year, released in 1999.

The local priest celebrated Mass for both of them… they continued working for Falintil, that is why there were people who envied them and gave information to Indonesian military.

Indonesian military looked for them, but could not capture them so other people went to their house to spy on them. Manuel was in the kitchen cooking, his wife went to notify Indonesian military. They came with guns and shot at them both from the window. Alito was hit on the head with a bullet, bled and straight away fell to the floor.

They started shooting everywhere so that people can not go and get their bodies. They just left their bodies at Manuel's house till six o'clock in the morning. Indonesian military pretended to go to investigate. Elder's dad arrived at the same time, said my son and his uncle died together, he turned and said to the Police " you take home, it is up to you, you throw away, it is up to you," I'm going to wait at home. Troops and Police felt bad so they called out to the neighbours to take Alito's body to put together with Elder in the truck in front of Nicolau's front door and brought to Elder dad's house on April 15th 1999. They built two coffins to put their bodies in. They buried them on April 16th at two o'clock in the afternoon.'

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[47] This testimony is about the same incident as in Case D, but the person wanted to highlight another victim.

Case F

Age: 39
Gender: Female
Testimony taken at: Puckapunyal
Date of testimony: 13/10/99
Ref no: 1999/015

'On April 10 at 9am Antonio received a letter informing him of a meeting in regard to his children's school. There was no meeting and on returning he came to a crossroad where he met with militia and young people provoking one another. Militia wanted to shoot the young people, so the young people started to take out their machetes to retaliate. Antonio got out of the car and spoke to them saying "we are all Timorese let's not provoke one another". As he was about to turn around he was shot on his left side which went through to his right side. The person who shot him was Duarte who later turned to my cousin and said I shot your brother already. After that Antonio tried to drive himself to a hospital in Gleno, but he couldn't turn the car nor could he run. The hospital was about 50 km away and then one of my cousins screamed and said "Antonio, who shot you?" Antonio looked up and saw my cousin Celeste Soares then he fell to the ground. My cousin and her two male colleagues lifted Antonio from the ground not knowing whether he was still alive or dead. They took him to First Aid. At that moment I walked in. They had already put his body on the stretcher but he was not breathing. The doctor tried to put a drip on him but he had lost a lot of blood and he was already dead. I still did not know whether he was dead or alive because my cousin sent me to hide in the storeroom in the pharmacy. We could hear the militia screaming "who brought his body here?" They wanted to do more shooting. Then as my colleagues were stopping his blood with bandages, the militia said "why don't you remove you're underwear to stop his blood from flowing?" One of the militia poked his stomach with the gun and said "eat Indonesia's white rice, receive money every month and still you want to go against Indonesia. Why don't you wake up and answer?" My cousin Celeste apologised, went down on her knees and begged " my brother, please don't do that, he is already dead. By then they started to ask where is his wife so that they could give his body back, but my cousin said she has gone to work far away. My cousin suspected that the militia wanted to harm me because after my husband's death they looked for me, some even said that they wanted me to be their wife. They gave my husband's body to my godchild whose name is Monica. They said to her "you now have to accept his body, this is his destiny. If he didn't take the grenade and gun to throw and shoot the Militia maybe we won't kill him but he did, so we killed him". These people (militia) together with the TNI went to search our house wanting desperately to find guns and grenades but they did not find anything. Then they wanted to return to shoot my son Luis. They said if you don't believe us, the guns and grenade were in the car, we have given them to the police. I rang my brother-in-law, Oscar Lima, to let him know Antonio has died then at that moment there was this lady who was the ex-administrator wife name, Nancio do Nascimento, who resides in Ermera. Her husband is Mr Thomas Goncalves. She spoke with the TNI Commander to ask if we can take the body to Dili. Then the Commander asked if you wanted to take the body to do a demonstration and my cousin Celeste said "he is already dead why would we want to demonstrate for?"……'

Torture & Other Inhuman Treatment

Case A

Age: 64
Gender: Female
Testimony taken at: Puckapunyal
Date of testimony: 27/10/99
Ref no: 1999/002

'On 26 July, before the voting day of August 30, Aitarak beat Miguel at 12 o'clock lunch time. Miguel, a veterinary student, left school and passed by the back of cemetery. Aitarak had people keeping an eye on him. Miguel came with taxi and Aitarak stoped taxi. Then five Aitarak members beat, punched, stabbed him with a rifle then load him into the car and took him to police headquarters. They beat him in front of me and my sister in law, Maria da Silva. Aitarak kicked him in the stomach then Miguel called out "Mum I'm dying." Aitarak turned to me and said "don't come, you come we will stab you and your son." I ran in front of them when they took him to the police. I ran to UNAMET.

UNAMET police took me and my niece, who speaks English, to look for Miguel. They hid Miguel in three places, first in Tropical, second at Hotel Turismo, and third in Danrem. When the police went to ask they said he wasn't there. The police said this boy has to be found between 2 and 4 o'clock and if he is dead we have to know or if he is alive we have to know by today. After 4 o'clock they rang UNAMET to say Miguel was in Polris but when we got to Polris Miguel was not there. After 4.30 they rang UNAMET to say that Mateus Myer (my cousin) went to take Miguel. The police, me and my niece Elsa, went to Mateus Myer's house but Miguel was not yet at his house.

Mateus sent his driver with taxi to take Miguel. We went to look for him at his house that's when he told us he was in hospital. We got to the hospital, we did not recognise him, he had sores all over his swollen body, his head was soft and he screamed with pain. I asked my Doctor friend if I could take him home for treatment. After 3 days he felt a bit better but Mateus still came looking for him because Aitarak found a CNRT card on him. Mateus said "when you leave with your mum people will come and kill you, if you come and stay with me they won't kill you." Because of this Miguel went to stay with Mateus. I thought because we are family I went to ask if Miguel could come and stay with me. I saw not like family but Aitarak people. Mateus is like the head of Besi Merah Putih Conselho, Ermera and Liquica. He killed a lot of people. Then he did not give up Miguel until 4th September. We were going to get Miguel but we could not, because if we did we would be dead.

On 10th September Mateus loaded a lot of people onto a ship, including Miguel, uncle Jose Duarte, Aunty Irene Carvalho Duarte, his younger brother Jaime Carvalho Duarte, Regina Carvalho Duarte, Almira Carvalho Duarte, who was heavily pregnant along with three children. When they got in the middle of the sea near Atambua, they lowered Miguel to kill him. Uncle, aunty and the children knelt, kissed their shoes. "If you want to kill, kill all of us, don't kill just one." That's when they left him (Miguel), but Mateus did not go with them but went to Bali. He only gave orders to Aitarak to drop them off at this place and don't let them leave. That's when we came to Darwin. We lost contact with them. They are in Kupang. I know this from my cousin Satur Nina Myer.'

Case B

Age: 40
Gender: Female
Testimony forwarded: Puckapunyal
Date of testimony: 6/11/99
Ref no: 1999/016

'I was returning from the Motael clinic at about 1.00pm on the 26th August when the locals stopped our car and led us to a burning house and kiosk near the bridge of Becora. I was told the militia and the TNI, dressed in civilian clothes, had burned the house and kiosk because of a CNRT poster with a photo of Xanana was placed on the wall. The militia, AITARAK and BESI MERAH entered the house of a 70 year-old woman, stoned and beat her as she begged for mercy. She was sitting under a tree at the back of her house, she was in shock, badly bruised and injured. We comforted her and called the ambulance but she refused to go to hospital, as she was afraid of retaliation. We treated her at the scene and moved her to a neighbour's house. The TNI was in a truck parked by the side of the road picking mangoes…unfortunately I was unable to identify what region or platoon the TNI soldiers were from.'

Intimidation & Persecution

Case A

Age: 62
Gender: Male
Testimony taken at: Puckapunyal
Date of testimony: 4/10/99
Ref no: 1999/003

'In the middle of 1999 the problem is like this, I came from Maliana to Dili, to receive money that came from Indonesia and Portugal. Marcus took part with military/ police in a meeting 27-

29th January in Makota. The meeting was to do with Pro-Autonomy. The meeting is to do with killing the prisoners, students and those who are against Indonesia. I received my money and returned to Maliana. Then on 26th February, at night, I heard information from Adriano Soares saying that on the 1st of March the operation going start (capturing the people). He is the one who said you have to leave. He said we will go into and out of houses to look for people who are against Indonesia.

On Sunday 28th February I left Maliana to Dili and stayed only in Vila Verde. I did not leave there until 23rd May. In the afternoon they rang from Maliana. Ilda do Rego went into hospital at 1o'clock in the afternoon and died on that same day at 4 o'clock. She went into hospital because people went to burn her house. Ilda got a fright and died. We were going to go on that day but it was night already. We left for Dili on 24th May in the morning at 6 o'clock. We got to Maliana at 9.30 at night. Ilda was buried on Tuesday 4 o'clock in the afternoon. We couldn't leave after the burial because Tentara was to trying to find and kill me….

…..On 5th September, Sunday morning, I went to mass but Bishop Belo and the two others (Bishops) did not arrive, so Father Antonio Da Costa celebrated mass and baptisms. Only a few went. When Mass finished we returned from church. When we reached the middle of the road, a friend, by the name of Lakabili, came to meet us in the middle to let us know quickly that today people are going in and out of the houses, going to burn and capture people to kill. I was asleep in my house. My children all had run away. I stood alone at the door thinking now where am I going. After half an hour my son Antonio do Rego called and we went to UNAMET.'

Case B

Age: 37
Gender: Female
Testimony taken at: Puckapunyal
Date of testimony: 10/11/99
Ref no: 1999/005

'My house was hit with stones and destroyed by SGI (Indonesian Intelligence Force) and was also witnessed by Indonesian Air Force in Dili, between 8 February to 28 May 1999, every day and night. As a consequence, my children and I were forced to go to a friend's house.

My husband was working as head of the Hatulia Sub-district (Camat) within the District of Ermera. On the 5 of April he was taken away to an unknown place while he was working at his office, and his whereabouts is still unknown until now. I do not know whether he is still alive. Later, my children also were targeted to be kidnapped by the militias.

Knowing that we were hiding in my parents' house in Santa Cruz, on the 7th and 8th of May 1999, the militias came and opened fire on the house. At the time we got out through the back door of the house. My three kids and I went to a Timorese policeman and hid temporarily in his house.

On 12 May my husband was discharged as the head of the Sub-district (Camat) by the Ermera Administrator on the request of Eurico Guterres, the Militia Commander…'

Case C

Age: 17
Gender: Male
Testimony taken at: Leeuwin, Perth
Date of testimony: 17/11/99
Ref no: 1999/012

'First we were to carry out a campaign on voting. We carried out the first campaign in Dili. It was carried out well. Then following that, they (pro-autonomy) carried out their campaign. They started problems, provoking us but we did not react. After that we carried out a campaign; they saw and felt that we had a lot more so they started to hate us but we did not do anything at all. They started problems with us like tearing our flag, capturing our brothers, and provoking but we did not react still. Our leader told us not to react but to stay calm. Following that we carried out our voting. They waited for us on the streets, to force us onto a truck to take us home, so that if the situation worsens they know where we live; they can come and capture us. We finished voting in the afternoon. We began walking home because they started threatening us with sharp instruments to kill us. We too got scared because militia were holding guns, machetes and home made guns which they made themselves, (called rakitan). Bullets used for the guns are small pieces of steel and nails.

Militia had nine groups, there names are: Aitarak in (Dili), Merah Putih (Suai), Mahdomi (Manatutu), N'aga Mera (Ermera), Api Laksaur Bp (Aileu), Saka Daran Merah (Baucau), Besi (Liksa-Maubara), Mahidi (Ainaro), Alfa (Lospalos). They are the ones that give orders to militia to roam inside Dili.

They shot at us in Dare at 11.30. An old lady died and the people inside Dili all ran up to Dare and scattered all over. Then they did not shoot for two days. We came down to UNAMET. We looked at Dili and we saw them starting to burn people inside in Dili, burning everywhere. When my friend went down to get rice from a nun's house, the Indonesia Military shot at his leg. At 10 am in the morning they started arriving because they heard that there were a lot of people were running into UNAMET compound. We too waited for them inside the UNAMET compound with sharp instruments. They came and we faced one another. They started to ask for the help of Indonesia Military then the Indonesia Military shot at us. We ran up the hills provoking them to come to us so that we can fight one another.

I saw with my own eyes a friend of mine being chopped by militia with a machete. I saw with my own eyes Indonesia Military shooting after us but we faced them with sharp instruments. They continued shooting so we ran from them. Military shot dead two of my friends. UNAMET foreigners came to help us open wire fences so that we can run into UNAMET compound. Friends who are in the hills were continued to be shot at by military/ militia. We were going up to help them but there were trucks waiting outside with guns.

After two weeks we heard that we were going to Australia. In the weeks before coming to Australia, Indonesia Military and militia kept an eye on us day and night. Then we couldn't go to the fence because they would grab us put inside the truck and take us to kill us in the wild bushes.....'

Case D

Age: 24
Gender: Male
Testimony taken at: Puckapunyal
Date of testimony:25/10/99
Ref no: 1999/001

'UN arrived on May 24th 1999, and they needed University students to work with them to interpret so that the people could follow the voting in Timor. But at that moment I spoke little English but I wanted to help UNAMET with what the people wanted. I followed UNAMET to work in East of Lospalos, my birth place.

We started working in the village, explaining about the voting but there were people who wanted to harm us and wanted to kill us but we were not afraid. We still continued on with the work day and night.....

.....On 30th August 1999 they voted for the rights of Timor. Then came the results; everyone was to listen to the results on 4th September 1999. The results showed to the world East Timor wanted Independence. I listened to the results; I was sad and I cried because the situation made everyone worried and happy within themselves because of soldiers and military terrorising and intimidating the people day and night. I saw with my own eyes of king Virissimo, the militia went to his house killed him, burnt his house in September in Lospalos.

The next day my friend, Crisyanto, and I, together with UNAMET from Malaysia, went to Tutuala which is on top of Lospalos. I and the two Malaysian UNAMET staff were seen by the militia. They blocked off the road in the bushes and wanted to kill us, burn the car, and also to kill the two UNAMET officials and the two interpreters but they did not succeed because people ran out from the bushes who recognised the militia.

These militia had bad intentions toward us. There were a lot of people who came with the bus and stopped in front of us and got off the bus. They said "brothers you cannot go past LORE II because militia are waiting to kill you and burn your cars." Therefore we ran back to a small village called Cahi. We were going to ask help from the people to save us. We met up with the Liurai (king) from Cahi. He came to meet us and I told him that militia were waiting for us in the middle of the road in the bushes to kill us. So then he said don't be afraid, all the people here are for Independence. We stopped at the village for four hours. The people there kept security in the village for us but there were also Indonesian soldiers who kept guard at the Post (military) but they did not harm us. They only kept an eye on us and called us all the bad names. Then the Indonesian police escorted us. We were following them from behind to return to Lospalos. On the way back we went past the militia area. Police worked together with militia. They stopped in front of the militia who just started yelling out "kill UNAMET and the Interpreters because they are not neutral." They got the two official UNAMET out of the car and started to become hostile towards them. These two are civil police from Malaysia; their names are Major Jamal and the other one Sardine. There were two who wanted to kill us but the Malaysian police became hostile with them and said "if you want to kill, kill the two of us, these two are your brothers and sisters, they don't know anything, they only work with us to help the Timorese People." Then these two people had a change of heart. They didn't kill us instead wrote down our names. They threatened us by saying "if Timor becomes independent good, if Timor does not become independent, I will kill you."

The militia commandant's name is Sebastiao. He threatened us and insulted us. The Indonesia Police just looked on and laughed because they work together with the militia…..

…..On the 10th September 99 the foreigners took us in their car, formed a line with the Indonesia police in front of us keeping security to take us to Baucau. They started to take us to the Baucau Airport to go to Darwin. The Army plane was waiting to take us but the Indonesian soldiers did not allow us to go to Darwin. If we went they will kill us, so then we did not go. They gathered us together in a room and they threaten that they will kill us. Not long after UNAMET's helicopter touched down at Baucau and took us to Dili. We flew to Dili but when we reached Dili we could not get down from the helicopter because of militia. The Aitarak militia were waiting to shoot us, but we did not get out from the inside of the helicopter and instead we flew back to Baucau. When we arrived we saw our friends from Baucau waiting for us at the Airport. They waited with us to fly back to Dili in two helicopters. We all got inside the helicopters and flew back to Dili. We were getting out of the helicopters but were too afraid so we asked for protection from the Australian Army to take us to UNAMET Headquarters. But when we arrived, there were a lot of refugees inside the UNAMET compound. They saw us and were very sad, and we hugged each other and cried.

The UNAMET put local staff and people who were with us in one area. At that moment there was a bit of a problem towards the UNAMET because they were going to leave so the people started to get scared. There was a lot of people who were talking about running to Dare.

On 8th September at 7.30 at night, old ladies, old men, young people, pregnant ladies and children went up to Dare. On September 9th 1999 two girls and I and two local UNAMET staff ran up to the hills of Dare. Indonesia n soldiers shot at us but we continued on walking. When reached the top we rested, we walked down digging up cassava and picking cassava leaves to cook for us to eat because all the people were suffering from starvation. People survived because of food like cassava, paw paw and other kinds of food. But little children died due to food not suitable for their diet; cassava leaves are so bitter that children cannot eat or get used to it…..

…..On the 11th September Indonesian soldiers made an assault on us in Dare. They shot an Aunty beside me in a café Laran. So elderly and I ran into the cave behind the waterfall. Inside the cave there were a lot of elderly people and children. Father Joao Felgueiras, three other priests (I don't know their names), and I were scared of the shootings right beside us. When the Indonesian soldiers stopped shooting Aunty's (who died) children came together with me. They heard their mother had died and they all cried and called out for their mother. They ran up the hill crying and saw their mother dead. Aunty's husband who is disabled, waited with his wife and just cried. Not long after they took the dead body to a priest and young men made a coffin so that they can bury her on top of Dare.

On 12th September 1999, I came down to the UNAMET office but on the way there Indonesian soldiers blocked my way. They asked "are you local staff or not?" but I answered not because my card and UNAMET hat I hid inside my pants and card I hid inside my shoes. Then they said you can go but don't go up to Dare. On 13th September 1999, at night, foreigners said don't return to Dare because you are going to Darwin. On 14thSeptember at 2 o'clock in the morning they started to load us inside the Indonesian soldiers' trucks together with UNAMET staff. The police staff, they accompanied us to Airport to wait for Australian Army plane to load refugees to bring them to Darwin…."

Arbitrary Detention & Other Violations

Case A

Age: 43
Gender: Male
Testimony taken at: Leeuwin, Perth
Date of testimony: 25/11/99
Ref no: 1999/014

'On 22 March 1999, Indonesian soldiers arrested me at my house and took me to their headquarters. At the headquarters I was beaten by ten people. They beat, kicked, slapped and rifle butted me. My face was bruised and blackened and I fell to the ground. I do not know their names because I was beaten from behind and from the sides. My face was blackened but the person who hit me first was called Romeu. Those who arrested me were: 1. Frederico, 2. Jose Berelaka, 3. Moises, 4. Honario and others together in a "Kijang" car. Their Commander, called Sutrisno, took them to my house. They beat me with the intention of killing me but did not succeed. Instead they took me back to Kodim headquarters and interrogated me. After the interrogation they put me in prison. I was detained in prison for two nights before being transferred over to the police.
From March 1999 until I escaped to Dili on 29 August 1999, I was in their (police) hands. I was unable to go outside. At that time, when they beat me, my eye was damaged and became white….

…..After Jakarta's announcement in January 1999 to allow the Timorese to determine their destiny, through the choice of the two options of autonomy or independence, the Indonesian army in Timor, especially the District Military Command (Kodim 1636) in Maliana, drew a program, traced a plan in February 1999. They wanted to provoke the population of Maliana in the district of Bobonaro into a situation of war, as if it was a civil war.

Because of this, the commander of the 1636 military command, Lt. Colonel Burhanudin Siagian, along with Sutrisno the Intelligence Commander of the 1636 military Command, intensified their efforts. They worked together with the SGI command, Kopassus, Rajawali, Gadapaksi and Halilintar to implement their plan to secretly send nine soldiers to a place in Timor called Moleana- Ritabou- Maliana on the 19-03-1999 at 9 o'clock at night to kill people at a man's house by the name of Olivio Barros. The soldiers gave weapons to Halilintar and ordered them to kill the population. On this occasion five women and children were killed and five were wounded. These people were innocent civilians but they were killed because they were suspected of providing food supplies to Falintil. This happened at a location about 10 kilometres from the village of Maliana and the bodies were buried on the spot. Human Rights people went to see the dead but I have already forgotten their names because their documentation was confiscated from my home by the army. The detailed information can only be provided by Carlos Reinato, who was an eyewitness

I am an independence supporter and a member of the clandestine front in Maliana and a member of the FPI/CNRT in Maliana, District of Bobonaro. The Indonesian soldiers hated me and wanted to kill me but could not find a good excuse to do so. On the 22nd of March 1999 they stopped my car and arrested my driver by the name of Domingos Guterres. The soldiers bashed him up and forced him to make a false, previously prepared confession where I was accused of having asked Falintil to kill the previously mentioned people and therefore be subject to prosecution. As such, and in order to save his own life, my driver falsely confessed in the fashion requested by the Indonesian soldiers. Otherwise he would have been brutally bashed to death and in such a way that his eyes would have come out of the sockets.

On the 22 of March 1999, 4.30pm Commander Burhanudin Siagian sent a car with fully armed soldiers to surround my home. In another car the soldiers were fully armed and in full uniform and were sent into my house to arrest me. The one who grabbed me first was Honorio and the names of the others are: Frederico, Jose Bere Laca, Romeu, Manuel Lopes and another one. These people together with the intelligence commander called Sutrisno were the ones commanding all the others during this moment. They grabbed me and dragged me to the car. My wife was not at home at that moment but my niece, Maria Sarmento, witnessed my arrest.

After my arrest, and on the way to Koramil, we passed through the market, since my house is in the middle of the market. They shouted all the way through the market to all the people in the market saying: "this is the GPK of Maliana city, he is the head of Fretilin here, now we are going to kill him, we will still arrest all his associates and kill them all! Now we are going to start arresting them one by one. He is the one who ordered Falintil to kill the people in Moleana. Look at him! They are the ones who lied to the people into wanting independence from Indonesia." They repeated these words starting from my home all the way to Koramil.

At that moment the people got scared and thought the war had started. They scattered, some ran to the church, some ran to Dili and others still to the bush. The young and the old, the women and children became agitated because the intimidation and terror towards the people of Maliana started from that moment on.

As soon as we arrived at the Maliana Koramil, they all started bashing me from the front and back and from the sides. They kicked me and hit me with the butts of their rifles. I lost consciousness and fell to the ground.

The Indonesian soldiers tied me up with a white rope and then laid me on the ground of the Maliana Koramil. The person who hit me first was called Romeu and he is from Balibo and a soldier at the Maliana Kodim 1636. I do not know the others who hit me because I was disoriented. That night they could not kill and dispose of me so they took me home at 7pm so they could search the home to find any sharp instruments or any other materials. However, having searched for an hour they could not find any such things because I am a simple civilian and do not have any guerilla connections or connections with the Indonesian military.

At 8pm of the 22nd of March 1999, the soldiers took me to Base Command 1636 (Kodim) to get a decision from the Kodim Commander, Burhanudin Siagian, on whether I should be prosecuted or killed. After we arrived there at 8.15pm and entered the commander's office, they started the inquiry. I was alone in the room together with Burhanudin and Sutrisno while the soldiers stayed outside walking around the house. In the inquiry they gave me an ultimatum saying, "we brought you here so you can answer the questions we are going to ask! If you do not answer you will die today!"

They asked me "in your household, do you work for independence or autonomy?" and I answered "following democracy and the present reform movement I work for the right of Timor to be independent. However I started in the month of November 1998 and got sick, could not walk, my eyes were sore. Because of this I did not continue and did not follow the political situation in Timor. I do not know whether it will be independence or autonomy, the result of the vote will decide.

After I finished they told me this, "we do not accept your words! Tonight your options are only two; you will either be tried or killed. Tonight, if this negotiation does not work I will deliver you to my soldiers to be killed by strangulation. He said in Bahasa Indonesian, "Saya sekarang juga menbunuh mengabishan kau sampai titik darah. Tahu anggota siap!" they all answered "siap!" "We will kill him now."

The meaning of the above was to kill me, my wife, my children, grand children and anyone who is connected to me; they will wipe us all out. That is the meaning. All the soldiers surrounding the house pointed their guns towards me inside the house. Sutrisno folded the curtains so that the soldiers were able to look at my face. The underlined words above were said by Commandant Burhanudin Siagian. Therefore that night I looked for ways to please them and save myself. This is what I said, "whatever you want I can help, but with politics I can not say much but the problem with the deaths of the people in Moleana, I can help lift the blame from the Indonesian Soldiers. I can turn the words around to say that it was Falintil who killed the people."

Not the Indonesian troops and I myself can be a witness for this case. That's why negotiations during the night went well, They agreed and they managed not to kill me, I was saved. After the night, they interviewed me by following my declaration and taped it in order to send them to the police and the tribunal so that the legal process can proceed. This thing lasted till 3 am and they locked me in the jail. I was sick, my whole body was swollen, my arms swollen, my face bruised, the pain was unbearable because of the beatings.

After two days, on the 24-3-99 the Indonesian troops sent the police to fetch me from the Command District Military base jail in Maliana to take me to Maliana police jail. There were 4 policemen and the driver who came to pick me up. Their chief in charge who came to pick me up was called Iputa from Bali. As soon as we arrived at the police station, he took me to the hospital to do a check up and treatment where my whole body was bruised.

I returned from the hospital, not long before the International Red Cross Mr. Frederico from Switzerland visited me 10 am at the station. He managed to talk with me, to get some information about my case which happened when people caught me. And therefore on 23-3-99 at 1 am, the Bobonaro District Administrator Guillermo dos Santos came to see me at the Military Command District jail in Maliana. At this moment, the administrator that came to see me, made few neutral comments and more in favour of Indonesia.

On the 24-3-99 at 10am, the police inquired about the death of 5 people and 5 injured that happened on the 19-3-99 at Moleana so that the process can move forward. Because my declaration wasn't the same as Domingos Guterres my driver, a big confrontation arose and the process was not going well. The police did not receive the story. The police wanted to receive problems which are truthful according to justice. Because the police looked for proof secretly from outside, they couldn't find concrete evidence. Therefore on 26-3-99, I changed my declaration in order to give out the truth to those pursuing justice and I also knew that the police could not kill me because of justice.

The declaration that I gave to the Indonesia Military Commander saved my life. Then that afternoon at 2pm, on this day, the human rights organisation named Kontras, the director, Mrs. D. Olandina and others, the students and the journalists all in one car, came to see me. They also asked to interview me and take photos. But the chief police did not allow them. The rumour they spread to Falintil that I was to become a witness became definitely invalid when the police locked me up waiting that there might be further information. They waited for more information but there wasn't any, and on 6-4-99 I was released. But before I was released, the organisation "Yayasan Hak" came to see me. They brought some information about my case (people beating me).

When I was released, I did not go home. I stayed with Bishop Lulik at the Maliana church because they (police) would intimidate and secretly kill me if I stayed in my house. Thus, on 6-4-99 4pm I left the police station to the church with my minibus (kareta microlet).

Because of the false story, the Indonesian Military were very upset. On the 10th April, they invited all the autonomy groups in Timor to make a parade in Maliana to open the militia command (Headquarters?) for the Bobonaro administrative district and at the same time celebrate militia day. In the Bobonaro administrative district, they also opened 4 militia command, each with the name: Command

Kaermetin Merah Putih (KMP) Bobonaro post, Command Hametin Merah Putih (HMP) from Lolotoe post, Command Daurus Merah Putih (DMP), Command Gunakanlah Tenagumu Untuk Rakyat (GUNTUR) from Cailaco post and also Halilintir Atabae and Balibo posts but this group already formed before through the command of Joao Tavares. However, General Prabowo made Joao Tavares a commander in 1996. Then on 10-4-99, on this day Militia Indonesia Burhaudin Siagan group had a plan. They sent their soldier secretly to kill Manuel Gama in the middle of the road near Marco, Cailaco with two Timorese soldiers all who belonged supported autonomy.

What they did was to provoke the situation between Timorese so that they hated each other and mistreat each other more. After the death, they put the blame on Falintil as the way to cleanse or generally clean up the people who supported freedom for east Timor.

On this night 12 April 1999 at 9pm, they destroyed Mr. Manuel Magalhaes' house in Maliana. And then at 7am, the militia and the troops demolished the people's houses in Maliana. They seized things, cars and motorbikes. On this day, they destroyed 27 houses, seized 2 cars and 4 motorbikes. The Besi Merah Putih and the troops destroyed everything. The police just watched and did nothing. In Cailaco, a house was burnt in the Atudara Manapa (Asalau) village and other places were badly damaged. In the administrative district of Bobonaro, the entire militia and the troops' chief or high commander, who is "BURHANUDIN SIAGIAN," and followed by "SUTRISNO".

During this day they destroyed my house. My wife and my children ran to the police for safety. And later at 6pm, the nuns took me to the police. Three nuns, a priest and four teenagers accompanied me to the police.

They destroyed my three houses; a house I live in, a building or a shop and the other, a warehouse. Things in the house were two televisions, a fridge, furniture, gold, notes (money) and other things.'

Appendix A: Other Violations

Violation Abbreviation Key:
EJE – Extrajudicial Execution; AEJE – Attempted extrajudicial Execution; AD – Arbitrary Detention; ED – Enforced Disappearance; TORT – Torture & other Cruel Inhuman Treatment; RA –Rape, including attempted rape & sexual abuse; PER - Persecution

Case	*Name & Age*	*Residence*	*Date*	*Violation Location*	*Perpetrators*	*Violation*	*Details*
1.1.79	Elidio Araujo, 23	Lebusalara hamlet, Hatuquesi	5 April 99			EJE	
1.1.80	Gil Tiago Victor D.S., 16	Nunubrihati hamlet, Hatuquesi	6 April 99			EJE	
1.1.81	Bernardino D.S, 52	Lebusalara hamlet, Hatuquesi	8 April 99			EJE	
1.1.82	Tomas dos Santos, 26	Tautalo hamlet, Hatuquesi	8 April 99			EJE	
1.1.83	Agusto Campus, 30	Kaidiko hamlet, Hatuquesi	10 April 99			EJE	
1.1.84	3 members of Miguel de Araujo's family	Salele village, Tilomar, Suai sub-district	23 April 99	Salele village, Tilomar, Suai sub-district	Laksaur militia	EJE	The victims were killed, accused of being pro-independence supporters.
1.1.85	Alberto de Oliveira, 43	Lebusalara hamlet, Hatuquesi	9 May 99			EJE	
1.1.86	Agustinho Rodrigues, 14	Lebusalara hamlet, Hatuquesi	9 May 99			EJE	
1.1.87	Amandio Cesar D.S, 32	Lebusalara hamlet, Hatuquesi	17 May 99			EJE	
1.1.88	Fernando Alves, 29 Antonio Sanches, 38		24 May 99		Unidentified militia members	EJE	Both men were shot dead.
1.1.89	Vasco Amaral, 27 Clementino Amaral, 52	Alas Tehan hamlet Aisik hamlet - both in village of Fatumean, Covalima district	27 May 99	Alas village, sub-district of Fatumean, Covalima district	Members of Laksaur Merah Putih militia: Balthazar da Costa Nunes (also a member of Dept. of education); Hendrikus Mali; Petrus Suri; Demi Berek; Marianos Berek; Pedro da Cruz; Yacobus Bere; Baltazar Mali and Second Sergeant Paul Helek from Kodim Suai	EJE	The victims were arrested and killed because they were alleged to be pro-independence supporters.

1.1.90	Estimated 100 civilians	Tilomar	June 99	Salele village, Tilomar, Suai sub-district	Laksaur militia	EJE	About 100 bodies were thrown into a crocodile infested lake in Salele.
1.1.91	Lamberto D.C. Amaral, 43	Lebusalara hamlet, Hatuquesi	5 June 99			EJE	
1.1.92	Agus (no surname), 25	Lela hamlet, Oges village, Suai sub-district, Covalima	9 June 99	Lela hamlet, Oges village, Suai sub-district, Covalima	Unidentified Laksaur Merah Putih militia member	EJE	The victim was killed because he was suspected of being a pro-independence supporter.
1.1.93	3 unidentified CNRT members		28 Aug 99	Oecusse	Members of BMP and Sakunar	EJE	Two of the victims had their throats' cut and one victim was burnt to death.
1.1.94	Domingos Pereira, 37 Ruben Barros Soares, 29 Matheus (no surname), 22 Silvano (no surname), 22		2 Sept 99		Members of militia, TNI and POLRI	EJE	The perpetrators attacked the offices of DSMPTT, DPP, IMPETTU and CNRT, wounding several people and killing the four men. Pereira was a UNAMET driver and Soares was a UNAMET electoral staff.
1.1.95	Raimundo dos Santos	Bobonaro district	6 Sept 99	Holsa village	Members of Militia and TNI	EJE	Raimundo dos Santos' body was found in the area of Soso, 500m from the Administrator's office. Raimundo was a civil servant for the Bobonaro District Administration.
1.1.96	Carlito Freitas, 50	Mauku hamlet, Opa village, Lolotoe sub-district	8 Sept 99	Mauku hamlet, Opa village, Lolotoe sub-district	Kaer Metin Merah Putih militia under the command of Jose Cardoso alias Mozinho	EJE	The victim was shot dead in his home at around 11.30am. His killing was witnessed by his wife, Agripina dos Santos, aged 47.
1.1.97	Two unidentified East Timorese		8 Sept 99	Kuluhun, Dili	TNI	EJE	The two bodies were found by locals and were subsequently buried. It is alleged the two victims were killed by TNI during their clean-up operation.
1.1.98	Almedio da Costa Napoleao Antonio da Costa Napoleao		8 Sept 99	Asalaino	Members of Tim Alfa militia & TNI Unit 745	EJE	An eyewitness reported the killings.
1.1.99	Maukiik (no surname), 22	Lahomea village	9 Sept 99	Maliana Secondary High School	Members of militias and TNI	EJE	His body was buried in front of his family's house.
1.1.100	Magdalena Araujo Magno, 22	Sabagulao hamlet, Ainaro	9 Sept 99	Sabagulao hamlet, Ainaro	Mahidi militia members	EJE	The victim was shot around 5.45pm. The bullet went into her back and out through her stomach.
1.1.101	Ambrosio B. A		9 Sept 99	Asalaino	Members of Tim Alfa militia & TNI Unit 745	EJE	Two eyewitnesses reported the killings.
1.1.102	Fernando Fereira Rafael da Costa Luis da Costa Paul da Costa	Natura " " "	10 Sept 99	Caipara, Lospalos	Tim Alfa militia: Gregorio, Joao, Lemorai, Sebastiao, Duarte, Cipriano da Costa, Adao Soares, Jose da Costa; member of	EJE	Three eyewitnesses reported the incident. The bodies of three of the victims were buried in the one grave in Natura.

	Valenti de Jesus	Lereloho			KODIM 1629: Gentil; & several members of TNI Unit 745		
1.1.103	Marito Soares Serpa Pinto Jaime Cristovao		10 Sept 99	Puihoro	Members of TNI Unit 745	EJE	The victims were killed by TNI carrying FNC rifles.
1.1.104	Juliao de Asisi Belo, 37 Elder de Jesus Asisi, 15 (son of Juliao) Martinho Branco, 42 Marcelino Branco, 15 (son of Martinho) Unidentified man		13 Sept 99	Motololi	Members of TNI Unit 745	EJE	The victims were killed by TNI carrying FNC rifles.
1.1.105	Denis (no surname), 34	Holsa village	16 Sept 99	Tunubibi, 400m from Nunura Bridge	Members of Dadurus Merah Putih militia	EJE	Denis had been forcibly taken from the refugee camp in Haekesak in Belu District, West Timor by militia. His body was found later on 21 September 99.
1.1.106	Agostu (no surname)	Lolotoe district	16 Sept 99		Militia under the command of Mozinho and TNI	EJE	The victim was shot dead after refusing to be forcibly evacuated to West Timor.
1.1.107	Antonio (no surname) Calistro (no surname)		16 Sept 99	Lolotoe district	Militia under the command of Mozinho and TNI	EJE	Both victims were killed in Lolotoe.
1.1.108	Lorenco dos Santos Marcelino dos Santos		16 Sept 99	Asalaino	Members of Tim Alfa militia & TNI Unit 745	EJE	
1.1.109	Constantino de Araujo, 25		17 Sept 99	Mau Ulo village	TNI members: First Sergeant Domingos Carlos & Second soldier Angelo Tilman; Mahidi members: Mariano Cortereal & Luis de Araujo	EJE	The victim was killed during a joint operation in Mau Ulo village.
1.1.110	Romario Pereira, 98 Zeca Romario, 41 (son of Romario Pereira)		17 Sept 99	Ainaro town	Members of Mahidi militia	EJE	Both were shot dead.
1.1.111	Moises Martins, 18 Virgilio Quintao, 20 Octavio de Araujo, 23	Bismata hamlet, Beikala village, sub-district.	19 Sept 99	Bismata hamlet, Beikala village, sub-district.	Members of TNI: First Sergeant Domingos Carlos; Second Sergeant Cesario Tilman & members of Mahidi militia: Jesito Neves; Aniceto da Costa; Mariano Cortereal; & other militia members in a pick up truck.	EJE	The victims were killed by TNI and militia members during an attack on their hamlet. The victims were later buried by their families.
1.1.112	Amilcar (no surname) Joao Ilipuoi Augusto (no surname) Thomas (no surname) Benedito Cabral		20 Sept 99	Lautem	Members of Tim Alfa militia & TNI BTT 621	EJE / SA	All victims' bodies were found in a well. The two female victims had been raped before being killed. Witnesses were locals and a BTT 621member named Sudiro.

	2 unidentified females 2 unidentified males						
1.1.113	Manuel Andreas		22 Sept 99	Becora, Dili	Members of Battalion 745	EJE	Manuel was shot in the back as he attempted to run away from the oncoming convoy of TNI soldiers. His body was later thrown into a drainage ditch by soldiers from another unit.
1.1.114	Casimiro Soares, 20		23 Sept 99	Berebau hamlet, Daudu village, Cailaco sub-district	Members of Halilintar militia identified as: Marcelino, Commander of Halilintar at Cailaco post; Ozorio; Manuel; Leonito	EJE	Soares, a farmer, was called by the perpetrators to eat coconut with them. As he approached the perpetrators, he was shot dead.
1.1.115	Carlito (no surname) Andre (no surname)	Pairara	29 Sept 99	Lautem	Members of TNI BTT 621	EJE	An eyewitness reported the killing of the two victims, both of whom were nurses.
1.1.116	Wilhemos Asa, 27 Jose Leto, 24 Martinho Alfonso, 24 Simon (no surname), 24 Matias (no surname), 27	All from Lolotoe	1 Nov 99	Lakmanas village, Atambua, West Timor	Militias	EJE	The victims, all pro-active members of CNRT were shot dead when they went to Atambua to find their relatives.
1.1.117	30 unidentified civilians		1999	Motamasi river, between Covalima and West Timor	Laksaur militias	EJE	The 30 victims were killed and buried in a mass gravesite.
1.1.118	One Unidentified East Timorese		1999	Front Yard of Motorola Office, Pantai Kelapa	Unknown	EJE	The unidentified severed body was found by locals upon their return from the mountains.
1.1.119	Abel dos Santos, 55		1999	Famento Office, Dili	TNI and militia members	EJE	The victim was killed by militias and TNI and was buried by his neigbours.
1.1.120	Two unidentified East Timorese		1999	Office of East Timor's High Judge, Dili	Unknown	EJE	The grave was discovered by neighbours and Interfet.
1.1.121	Two unidentified East Timorese		1999	Beimori, Dili	TNI and militia	EJE	The two bodies were discovered by locals and subsequently buried. It is believed both victims were killed during the clean up operation by TNI and militia.
1.2.13	Jose Cerilio D.S., 18	Nunubrihati hamlet, Hatuquesi	5 April 99			AEJE	
1.2.14	Joao Pereira, 32	Lebusalara hamlet, Hatuquesi	6 April 99			AEJE	

1.2.15	Abilio da Conceicao, 30	Lebusalara hamlet, Hatuquesi	6 April 99			AEJE	
1.2.16	Rui (no surname), 35	Tautalo hamlet, Hatuquesi	10 April 99			AEJE	
1.2.17	Filomeno dos Santos, 35	Nunubrihati hamlet, Hatuquesi	20 May 99			AEJE	
1.2.18	Rudolfo de Araujo, 19		17 Sept 99		Mahidi militia	AEJE	The victim was shot at when he tried to escape his perpetrators who were forcing him to go to West Timor. He sustained an injury to his right leg.
3.1.10	Afonso Moniz Jose da Costa Nunes Bediktus Bequia	Fohoren	24 May 99		Laksaur militia members: Baltazar Moruk; Domianus da Costa; Pitzuri	TORT	The victims were tortured and later released.
3.1.11	Anselamus de Andrade, 54	Lontale, Debos village, Suai	20 Aug 99	Ogues hamlet, Debos village, Suai	Laksaur members: Olivio Bau and others	TORT / ED	An eyewitness reported that the victim was beaten and kidnapped. His whereabouts is unknown.
3.1.12	Jose Leite	Lebos, Bobonaro district	Sept 99	Lebos, Bobonaro district	Besi Merah Putih militia	TORT	The victim was accused of being a CNRT member and had his ear sliced off. His stomach was badly beaten and is very swollen. His two unidentified cousins were killed beside him.
3.2.14	Roginha (no surname), 27 Juana da Concicao, 20 Agostinha (no surname), 30 Judita (no surname), 17 Dulciana (no surname), 20 Dulsiana (no surname), 18 Mariana (no surname), 16 Romanha (no surname), 18 Berta (no surname), 23 Zesarenha (no surname), 20		1999		Besi Merah Putih militia: Jose, Commander Afonso Farozino Julio Domingos Cezar Alberto, Commander Gilberto Alarico Floriano Hermenegildo Agrefino Mausoco	RA	
3.3.24	Zejuind da Costa, 18 Ilidio do Carmo, 28 Orlando da Costa, 18 Carlos da Silva	Ahi Harai hamlet, Debos village, Suai sub-district, Covalima district	18 Aug 99	Ahi Harai hamlet, Debos village, Suai sub-district, Covalima	Laksaur members: Julio do Carmo, Abel Mendonca, Rogerio Gusmao, Moises Amaral	PER	An eyewitness reported the incident.
3.3.25	Celestino Guterres, 28 Carlito da Costa, 29 Raimundo Noronha, 20 Alvaro Gusmao, 26 Hario de Fonseca, 17	Leogore hamlet, Ogues village, Suai sub-district, Covalima district	18 Aug 99	Leogore hamlet, Ogues village, Suai sub-district, Covalima district	Laksaur members: Gabriel Bau, Domingos Mali, Inacio da Costa, Joao da Cruz Mau	PER	Several eyewitnesses reported the incident.

Appendix B: Identified Extrajudicial Execution Oecusse victims

Name & Age	Residence	Place of violation	Date of violation	Perpetrator
Armando Sani, 38	Nibin/Usitakeno	Nibin		Julio da Costa
Domingos Colo, 39	Nibin/Usitakeno	Nibin		Tanesi Punef
Domingos Falo, 30	Nibin/Usitakeno	Nibin		Latus
Leonardo Elo, 12	Nibin/Usitakeno (Oesilo)	Kefa		
Antonio Nunes				
Luis Lopes				
Julio Nai				
Ignatius Hunu, 25	Costa/Nipan (P. M.)	TTU	29 Aug 99	Carlos P. Beler
Paulus Quelo, 28	Maquelab (P. Macassar)	Maquelab	1 Sept 99	Tarsisio Babo
Umberto Taec, 35	Maquelab	Ulas	7 Sept 99	Laurentinho Soares
Agustinho Ulan, 38	Bobometo/Kiubiselo	Nunhaekkelo	8 Sept 99	Abrão Tolo, Hendrik
Cipriano Anin, 33	Nonkikan/Bobometo	Noel Ecat	8 Sept 99	Vitorino da Crus
Francisco Sanan, 28	Nonkikan/Bobometa	Nonkikan	8 Sept 99	Alsino Lafu
Jaime Coi, 25	Kiubiselo/Bobometo	Noel Ekat	8 Sept 99	Jaime Zoi
José Siki, 29	Bobometo/Usapikolen	Noel Ekat	8 Sept 99	Arif Rahman
José Siki, 29	Kiubiselo/Bobometo	Noel Ekat	8 Sept 99	Marcel Corbafo, Arif Rachman
Poto Keso, 38	Kiubiselo/Bobometo	Kiubiselo	8 Sept 99	Abrão Tolo, Hendrik
Victor Bobo, 57	Bobometo/Kiubiselo	Nunhaekkelo	8 Sept 99	Gabriel Kolo, Kalisto Neno
Yakobus Oki, 15	Kiubiselo/Bobometo	Kiubiselo	8 Sept 99	Abrão Tolo
Yakobus Siki, 25	Kiubiselo/Bobometo	Noel Ekat	8 Sept 99	Bonifacio Bobo
Abrão Kaet, 26	Bobometo/Kiubuselo	Sunkaen	9 Sept 99	Mateus Neno
Albino Casa, 30	Bobometo/Kiubuselo	Sunkaen	9 Sept 99	Neno Ulan
Anjelo Kaet, 26	Bobometo/Kiubiselo	Sunkaen	9 Sept 99	Filipus Bonat
Anjelo Nau, 25	Bobometo/Kiubiselo	Sunkaen	9 Sept 99	Filipus Bonat
Bernardo Sufa, 45	Bobometo/Kiubiselo	Sunkaen	9 Sept 99	Gabriel Kolo
Cancio Ulan, 30	Usapikolen/Bobometo	Sunkaen	9 Sept 99	Miguel Maia
Ciprianus Tafin, 27	Bobometo/Kiubuselo	Sunkaen	9 Sept 99	Abrão Tolo
Domingos Foni, 19	Bobometo/Kiubuselo	Sunkaen	9 Sept 99	Bonifacio B, Francisco Tat
Ermindo Neno, 30	Kiubiselo/Bobometo	Sunkaen	9 Sept 99	Marcus Neno
Ernesto Bobi, 34	Usapikolen/Bobometo	Sunkaen	9 Sept 99	Miguel Maia
Hilarius Naub, 24	Kiubiselo/Bobometo	Sunkaen	9 Sept 99	Abrão Tolo
José Eni, 25	Bobometo/Kiubuselo	Sunkaen	9 Sept 99	Kalisto Loka, omas Nesi
José Naknau, 40		Nainaban	9 Sept 99	Tome F. Gama

Luis Oki, 22	Tumin/Bobometo	Sunkaen	9 Sept 99	Abino Cono
Marcos Coa, 24	Bobometo/Kiubuselo	Sunkaen	9 Sept 99	Mateus Neno, Filipus Boanat
Marcus Kaet, 24	Bobometo/Kiubuselo	Sunkaen	9 Sept 99	Abrão Tolo
Mariano Afoan, 25	Kiubiselo/Bobometo	Sunkaen	9 Sept 99	Abrão Tolo
Martinho Kefi, 18	Bobometo/Kiubuselo	Sunkaen	9 Sept 99	Petro Kono
Martinho Sufa, 26	Kiubiselo	Sunkaen	9 Sept 99	Calistro Neno
Oscar da Costa, 18	Bobometo/Kiubiselo	Cutete	9 Sept 99	
Victor Oki, 25	Bobometo/Kiubiselo	Sunkaen	9 Sept 99	Andre Ulan
Yasinto Obe, 25	Kiubiselo/Bobmeto	Sunkaen	9 Sept 99	Francisco Ono, Agustinho Eco
Zakarias Ena, 40	Bobometo/Kiubiselo	Nainaban	9 Sept 99	José Kolo
Amrozo Bobo, 30	Bobocasse	Kiumina	16 Sept 99	Seran Bariak, Luis Invein
Ambrosio Bobo, 30		Cunha	16 Sept 99	Luis Inten, Seran Barjak, Seran Noman
António Hunu, 29	Bobocasse	Bihala	22 Sept 99	Marcelino Beno, Bento Bone
Maria A'v, 50	Bobocasse	Bihala	22 Sept 99	Laurentinho Soares (Moko), Justinho Mal
Maria A'u			22 Sept 99	Moko, Bento Bone, Herman Nabuasa, Yustinu Mala
Lazaro Beho, 40		Oel Sinas/Oe-Amna	24 Sept 99	Herman Nabuasa, Agustinho Suno
Zorentino Kab, 25		Usi Taco/Nitibe	24 Sept 99	Laurentino Soares (Moco) cs
Raimundo Taku, 60		Bona	25 Sept 99	Simão Lopes, Elvis Lopes
João Eco, 25	Nopai/Cunha	Sikone	27 Sept 99	Ates, Luis Lopes
João RF Bano, 20	Nopai/Cunha	Sikone	27 Sept 99	Simão Lopes
José Kolo, 28	Lalisuk	Padiae	27 Sept 99	João da Silva
Leohergirlo Bano, 18	Nopai/Cunha	Sikone	27 Sept 99	Ares, Elvis Lopes
Julio Hornai, 28	Lalisuk	Kinat	27 Sept 99	Militias
Ernesto Cab, 48	Maquelab	Maquelab	28 Sept 99	Laurentinho Soares (Moko)
Ernesto Cab, 60	Taiboco	Oemasing	28 Sept 99	Ares, Elvis Lopes
Pa'e Tule, 24	Maquelab	Maquelab	28 Sept 99	Tomas Soares
Stanis Laus Bala, 34	Maquelab	Maquelab	28 Sept 99	Belarmino da Costa
Jose Saet, 48	Lalisuk		28 Sept 99	Celestino Dias, Paulus Kefi, Pak Dan
Jose Kolo, 30	Lalisuk		28 Sept 99	Celestino Dias, Paulus Kefi, Pak Dan
Domingos Kolo, 35	Lalisuk		28 Sept 99	Celestino Dias, Paulus Kefi, Pak Dan
Luis Kolo, 28	Lalisuk		28 Sept 99	Celestino Dias, Paulus Kefi, Pak

				Dan
Caturlino Nino, 25	Passabe/Malelat	Nunfua Molo	29 Sept 99	Milisi dan TNI
Tomas Nino, 27	Passabe/Malelat	Nunfua Molo	29 Sept 99	Milisi dan TNI
Maria Abi, 65	Costa	Oetulu	6 Oct 99	Labut Melo
Baltazar Foni, 24	Bobometo/Kiubuselo	Sunkaen	9 Oct 99	Marcos Neno, Filipus Bonat
Domingos dos R., 57	Costa	Oeleu	13 Oct 99	Simão Lopes, Belar
António Kolo, 57	Costa	Oemachitu	14 Oct 99	Simão Lopes, Belar
Domingos da Conceição, 54	Lalisuk	Oemachitu	14 Oct 99	Simão Lopes, Belar
Herkulano Coefe, 62		Oemachitu	14 Oct 99	Belarmino
Luis Kofitalan, 39	Lalisuk	Kolam Cina	14 Oct 99	Julio, Jorge
Luis Vas, 29	Costa	Kolam Cina	14 Oct 99	Cassenube
Anastasia Lahau, 50	Lalisuk	Padiae	15 Oct 99	Belarmino da Costa
Adolfo Infein, 53	Lalisuk	Kinat	15 Oct 99	Militias
Anastasia (no surname), 49	Lalisuk	Kinat	15 Oct 99	Militias
Camilo Taena, 57		Lakufoan	18 Oct 99	Batista Coi
Camilo Teama, 40	Costa		19 Oct 99	Former Baki head of Village
Amonio Beno, 65	Maquelab	Maquelab	20 Oct 99	Laurentinho Soares (Moko)
António Beno, 50	Maquelab	Noel kel	20 Oct 99	Deonizio Ais
António Beno, 56	Maquelab	Noef kel	20 Oct 99	Simão Lopes, Belar
Atilio da Costa, 30	Maquelab/Taiboco	Maquelab	20 Oct 99	Moses Tanoc
Domingos Quelo, 40	Maquelab	Maquelab	20 Oct 99	Anton Quelo
Domingos Queolo, 39	Taiboco	Maquelab	20 Oct 99	Bone Fonai
Francisco Taec, 34	Taiboco	Pasar Maquelab	20 Oct 99	Simão Lopes
Francisco Taec, 36	Maquelab	Maquelab	20 Oct 99	Mateus Emelo
Jacinto Neves, 25	Taiboco	Pasar Maquelab	20 Oct 99	Mateus Corbavo
João Talias, 20	Maquelab	Maquelab	20 Oct 99	Francisco Ena
João Talias, 23	Taiboco	Pasar Maquelab	20 Oct 99	Mateus Corbavo
Jusfilio da Costa, 35	Taiboco	Pasar Maquelab	20 Oct 99	Simão Lopes, Mariano
Marcolino Fone, 20	Maquelab	Noel Kel	20 Oct 99	Deonizio Ais
Marcolino Fore, 20	Maquelab	Maquelab	20 Oct 99	Laurentinho Soares (Moko)
Mateus Ton, 26	Maquelab/Taiboco	Maquelab	20 Oct 99	Laurentinho Soares (Moko)
Paulus Celo, 37	Taiboco	Pasar Maquelab	20 Oct 99	Simão Lopes
Paulus Cusi, 25	Lalisuk	Maquelab	20 Oct 99	Simão Lopes
Ulan Sumi, 45	Taiboco	Pasar Maquelab	20 Oct 99	Samuel Vaz
Marcelino Kolo			20 Oct 99	Herman Nabuasa, Anton Lelan
Francisco Anton			20 Oct 99	Herman Nabuasa, Anton Lelan
Firminho Bobo			20 Oct 99	Herman, Nabuasa Anton Lelan

Justilio da Costa, 30			20 Oct 99	Bone, Moko, Francisco Timo, Ulafoan, Mateus Masi
Mateus Ton, 30			20 Oct 99	Bone, Moko, Francisco Timo, Ulafoan, Mateus Masi
Paulus Kelo, 31			20 Oct 99	Bone, Moko, Francisco Timo, Ulafoan, Mateus Masi
Joao Talias, 22			20 Oct 99	Bone, Moko, Francisco Timo, Ulafoan, Mateus Masi
Francisco Taek, 29			20 Oct 99	Bone, Moko, Francisco Timo, Ulafoan, Mateus Masi
Paul Kefi, 21			20 Oct 99	Bone, Moko, Francisco Timo, Ulafoan, Mateus Masi
Cesar A. Guterres, 46	Lalisuk	Citrana	22 Oct 99	Bone Fonai
Fermino Anton, 19	Bobocasse	Oelole	22 Oct 99	António Lelan
Francisco Anton, 37	Bobocasse	Oelole	22 Oct 99	Maximus Colo
Marcelino Colo, 35	Bobocasse	Oelole	22 Oct 99	Herman Nabuasa
Oscar F. da Costa, 18	Cunha	Cutete	23 Oct 99	
Angelo Hornai, 27	Lalisuk	Padiae	27 Oct 99	Rafael Eco
Babu Hornai, 39	Lalisuk	Padiae	27 Oct 99	Juliao da Costa
Inake Bobo, 28	Lalisuk	Padiae	27 Oct 99	George da Costa
Taequi Saet, 42	Lalisuk	Padiae	27 Oct 99	Bere Kefi, Mateus

Appendix C: Property Destruction

Case	Owner	Property Location	Date	Perpetrator	Details
3.3.26	Patricio Exposto Acoriano, 28 Joana Martins, 78	Butete village, Ermera	10 April 99	Members of militia and TNI	Patricio worked in CNRT and was persecuted and forced to seek refuge in the mountains. House and possessions destroyed.
3.3.27	Manuel dos Santos	Ducati, Nurep Condenado, Celcom Hakmatek	23 April 99	Members of Besi Merah Putih and ABRI	The house was burnt and not all the house contents were salvaged.
3.3.28	Domingos (no surname)	Lisatuto Nurep Condenado, Celcom Santo Antonio	5 May 99	Members of Besi Merah Putih and ABRI	The house was burnt and not all the house contents were salvaged.
3.3.29	Fernando da Silva	Lisatuto	25 May 99	Members of Besi Merah Putih and ABRI	The house was burnt and not all the house contents were salvaged.
3.3.30	Mateus dos Santos	Hatureda, Nurep Condenado, Celcom Condena	28 May 99	Members of Besi Merah Putih and ABRI	The house was burnt and not all the house contents were salvaged.
3.3.31	Domingos Beretto	Beco	20 Aug 99	Mahidi lead by Danki Simon Tascon with 50 members	
3.3.32	Bazilio Saldmha	Beco	20 Aug 99	Mahidi lead by Danki Simon Tascon with 50 members	
3.3.33	Gazikuro Trindade	Beco	20 Aug 99	Mahidi lead by Danki Simon Tascon with 50 members	
3.3.34	Fernando Maris	Beco	20 Aug 99	Mahidi lead by Danki Simon Tascon with 50 members	
3.3.35	Luliauo Belo	Beco	20 Aug 99	Mahidi lead by Danki Simon Tascon with 50 members	
3.3.36	Uitario Gomes	Beco	20 Aug 99	Mahidi lead by Danki Simon Tascon with 50 members	
3.3.37	Ria Rodrigues	Beco	20 Aug 99	Mahidi lead by Danki Simon Tascon with 50 members	
3.3.38	Mario Borges	Beco	20 Aug 99	Mahidi lead by Danki Simon Tascon with 50 members	
3.3.39	Matius Monas	Beco	20 Aug 99	Mahidi lead by Danki Simon Tascon with 50 members	
3.3.40	Luliano de Yesus	Beco	20 Aug 99	Mahidi lead by Danki Simon Tascon with 50 members	
3.3.41	Hewentiao Maia	Beco	20 Aug 99	Mahidi lead by Danki Simon Tascon with 50 members	
3.3.42	Jamario Lopes	Beco	20 Aug 99	Mahidi lead by Danki Simon Tascon with 50 members	
3.3.43	Liuo Maguo	Beco	20 Aug 99	Mahidi lead by Danki Simon Tascon with 50 members	

3.3.44	Marcos de Yeesus	Beco	20 Aug 99	Mahidi lead by Danki Simon Tascon with 50 members	
3.3.45	Satrucuo Lopes	Beco	20 Aug 99	Mahidi lead by Danki Simon Tascon with 50 members	
3.3.46	Adriana Fernandes, 21	Viqueque	30 Aug 99	Militia from Uatolari, Viqueque	Ran away to the mountains and returned to find her house and possessions completely destroyed.
3.3.47	Alexandre Leandro, 26	*Manuno?*	31 Aug 99	Militia	He ran away with his family after being repeatedly intimidated by the militia. House & possessions burnt.
3.3.48	Judite da Costa Monteiro, 24	Ossu, Viqueque	4 Sept 99	Militia from Baucau	Ran away to the mountains because of persecution by militia and TNI. House completely destroyed.
3.3.49	Duarte da Costa Nunes, 75	Caupite?	5 Sept 99	Militia	House and property completely destroyed. He and his family of 7 people are currently living in a makeshift tent.
3.3.50	Domingos da Conceicao Pereira, 72	Dili	6 Sept 99	Militia	House completely destroyed.
3.3.51	Rogerio Cerilio Exposto da Silva, 30 Maria Goncalves do Carmo, 22	Ermera	7 Sept 99	Militia	Militia forcibly placed them on a truck and took them to West Timor. Their house was looted before being burnt and destroyed as they left their village.
3.3.52	Jaime Caifalo, 32	Waitulu?	7 Sept 99	Militia	Ran away to the mountains and returned to find his house completely destroyed. Reported that in his village of Waitulu, about 157 houses were burnt.
3.3.53	Maria Milena. 25	Lospalos	10 Sept 99	Militia from Lospalos	House completely destroyed.
3.3.54	Remegio da Costa, 23	Lospalos	10 Sept 99	Militia	House destroyed because accused of being a member of CNRT.

Appendix D

BUPATI KEPALA DAERAH TINGKAT II AILEU

Aileu, 3 Juli 1999

Nomor : 04/RH/VII/1999
Sifat : Rahasia
Perihal : Pemantapan barisan Integrasi.

Kepada
Yth. Seluruh Jajaran Pro-Integrasi
di -
Aileu.

Dengan Hormat,

Menindak Lanjuti Surat Panglima Angkatan Bersenjata Republik Indonesia Cq. Mabes ABRI Nomor : X/A/MB/VII/1999 tentang menetapkan dan mempertahankan Integrasi di Timor-Timur, sehubungan dengan hal tersebut di atas saya menghimbau kepada seluruh Unsur yang terkait agar segera melaksanakan kegiatan rutin sebagai berikut :

1. PBB selama menjalankan misinya di Timor-Timur tidak netral maka untuk mengantisipasi ketidaknetralan PBB tersebut, maka untuk memenangkan Otonomi di Timor-Timur kita telah mengetahui watak orang Timor-Timur perlu kita menggunakan kekerasaan baik fisik maupun non fisik.
2. Saya menghimbau kepada Anggota ABRI, POLRI ,FPDK, AHI dan PAM SWAKARSA agar selalu memantau keberadaan UNAMET dalam menjalankan tugasnya di kabupaten Aileu.
3. Semakin beraninya anggota FALINTIL memasuki Desa-desa di seluruh plosok Timor-Timur Khususnya di Kabupaten Aileu sehingga seluruh Aparat yang ada baik Anggota ABRI, POLRI, AHI FPDK dan PAM SWAKARSA agar segera mentolerir dan menangkap seluruh anggota KLANDESTIN dan FALINTIL yang memasuki Desa-desa di Wialayah kabupaten Aileu.
4. Memantapkan Siskamling di seluruh Wilayah Kabupaten Aileu, apabila ada UNAMET yang menjalankan aktivitas tidak melaporkan kepada POLISI dan ABRI atau di atas jam 6.00 sore diperiksa bila perlu menawan, melempar dan merusak mobilnya, ABRI selalu berada di belakang kalian dan ingin hidup dan mati demi Integrasi.
5. Apabila ada orang yang dicurigai pro-Kemerdekaan bila perlu di teror dan melakukan ancam agar ia bisa mau dan menerima Integrasi.
6. Di minta kepada seluruh camat dan seluruh unsur yang ada agar mempersiapkan pesta besar-besaran di Kabupaten Aileu dalam rangka penyambutan hari Integrasi pada tanggal, 17 Juli 1999.

Demikian himbauan ini kami sampaikan untuk dilaksanakan atas perhatian dan kerja sama yang baik diucapkan terima kasih.

BUPATI KEPALA DAERAH TINGKAT II
AILEU.

RAPTO TARMAN

HEAD OF THE DISTRICT OF AILEU

Number :04/RH/VII/99
Nature : Confidential
Subject : Solidifying the
integration front

Aileu, July 3rd 1999
To : All Pro-Integration
Members
in Aileu

My compliments

Following the Commander of the Indonesian Army's letter number: X/A/MB/VII/1999 regarding the subject of solidifying and defending the integration of East Timor, I would like to appeal to all components involved to immediately implement the following :

1. In all of its missions in East Timor, the United Nations' has never been neutral. Therefore to anticipate the non-neutrality of the UN and for the winning of Autonomy in East Timor, we have known the East Timorese character, we must use violence both physical and non-physical.

2. I would like to appeal to all members of ABRI, POLRI, FPDK, AHI (the militia's organisation in Aileu) and PAM SWAKARSA (Civilian vigilance), to always monitor UNAMET's activities in the District of Aileu.

3. The FALINTIL members are bravely entering the villages in the whole East Timor particularly in Aileu. Therefore, all apparatus including ABRI, POLRI, AHI, FPDK and PAM SWAKARSA are to capture and arrest all CLANDESTINE and FALINTIL members who enter the villages of the District of Aileu.

4. To level up vigilance within communities in Aileu and if UNAMET members do not report their activities to Police or ABRI, after 6pm they have to be checked and if necessary held up, throw things at them at and break down their cars. ABRI always support those who want life or death for integration.

5. If some are suspicious of pro-independence members, terror and intimidation can be made available so that they can accept integration.

6. All sub-district administrators and other related components are requested to make arrangements for a big celebration in Aileu for the commemoration of the Integration day, 17 July 1999.

This appeal is forwarded to be implemented, and thank you for the cooperation.

Head of the District of Aileu
Signed

SUPRAPTO TARMAN

East Timor Human Rights Centre

7 April 2000

Dear supporter,

East Timor: Building on Freedom...the newest Nation Demands Justice!

August 30 1999 will be the day the East Timorese people will remember; the day when they courageously exercised their fundamental human rights to self determination. What will be equally remembered is the vicious systematic campaign of persecution and the violations of human rights that were perpetrated by militia and the Indonesian military.

The ETHRC report confirms the role of the Indonesian military in the recruiting and training of militia units throughout East Timor and the organised destruction of seventy percent of the infrastructure. The forcible displacement of one quarter of the population was undeniable. The remaining refugees originally forced out of East Timor are still detained in concentration camps or hidden by relatives and friends who are continuously threatened by violence, intimidation, lack of food and medication and who are also being denied access to UNHCR and humanitarian relief agencies.

The Indonesian Government sought to establish its own special Commission of Inquiry which has surprised its critics by uncovering concrete evidence and pursuing senior TNI staff who were implicated war crimes. These findings of forensic evidence need to be preserved and available to an International Crimes Tribunal, which is still required in order to ensure that indicted war criminals do not escape being brought to justice by being granted immunity from prosecution or use of safe havens.

This report only covers a proportion of the human rights violations which were committed against the East Timorese people. The ETHRC believes that the number of violations is far greater and is still investigating unconfirmed reports.

We hope the report is of interest to you and useful to support your campaign and lobbying activities.

If you require additional copies of the report they can be ordered using the enclosed order form, if you are able to make a donation to cover printing and postage costs (AUS $5 per copy), this would be gratefully received.

Yours sincerely,

Valli Mendez

per **Ana Noronha**
Executive Director

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East Timor Human Rights Centre

East Timor: Building on Freedom... The Newest Nation Demands Justice!

ERRATA

Front cover: Publication date should read March 2000 ref: SR2/99

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